

## Chapter CI.

### HISTORY AND JURISDICTION OF THE STANDING COMMITTEES—CONTINUED.

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**4223. The creation and history of the Committee on Mines and Mining, section 21 of Rule XI.**

**The rule gives to the Committee on Mines and Mining jurisdiction of subjects relating “to the mining interests.”**

Section 21 of Rule XI provides for the reference of subjects relating—to the mining interests: to the Committee on Mines and Mining.

This committee consists of fifteen Members and one Delegate.

It was established on December 19, 1865,<sup>1</sup> and the present form of the rule dates from the revision of 1880.

**4224. Legislative propositions relating to the work of the Geological Survey have been reported by the Committee on Mines and Mining.**—On April 17, 1882,<sup>2</sup> the Committee on Mines and Mining reported a resolution authorizing an appropriation to enable the Geological Survey to procure statistics in regard to mines and mining, and make analyses of coal, iron, and oil.

In 1906 and 1907<sup>3</sup> this committee reported bills authorizing examinations of the black sands of the Pacific coast, and providing for investigation of the water resources of the United States.

**4225. Propositions to establish departments or bureaus of mines and of geology have been reported by the Committee on Mines and Mining.**—The Committee on Mines and Mining reported in 1892<sup>4</sup> and 1900<sup>5</sup> the bills to create an executive department of mines and mining; in 1886<sup>6</sup> the bill (H. R. 8101) to establish a bureau of mines and mining; and in 1906<sup>7</sup> on the subject of a bureau of geology and mining.

**4226. The Committee on Mines and Mining has reported bills for establishing schools of mines and mining experiment stations.**—The Committee on Mines and Mining has reported bills for the establishment, from the proceeds of the sale of public lands,<sup>8</sup> of schools of mines<sup>9</sup> and mining experiment stations.<sup>10</sup>

**4227. The Committee on Mines and Mining has reported on the subject of alien ownership of mineral lands.**—The Committee on Mines and Mining reported in 1888,<sup>11</sup> and 1890<sup>12</sup> on the subject of alien ownership of mineral lands.

**4228. The subjects of the mineral land laws and claims and entries thereunder have been within the jurisdiction of the Committee on Mines and Mining.**—The Committee on Mines and Mining has reported:

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<sup>1</sup> First session Thirty-ninth Congress, Globe, p. 83.

<sup>2</sup> This report reviews the establishment of the Geological Survey, which was authorized on an appropriation bill (First session Forty-seventh Congress, Report No. 1065.)

<sup>3</sup> First session, Fifty-ninth Congress, Report No. 7; second session, Report No. 6408.

<sup>4</sup> First session Fifty-second Congress, Report No. 1003.

<sup>5</sup> First session Fifty-sixth Congress, Report No. 334.

<sup>6</sup> First session Forty-ninth Congress, Report No. 1881.

<sup>7</sup> First session Fifty-ninth Congress, Report No. 1184.

<sup>8</sup> See also the Committee on Public Lands, section 4202 of this volume.

<sup>9</sup> First session Fifty-sixth Congress, Reports Nos. 385, 1631; first session Fifty-first Congress, Report No. 1136; First session Fifty-seventh Congress, Report No. 604; second session Fifty-eighth Congress, Report No. 666.

<sup>10</sup> Second session Fifty-eighth Congress., Report No. 1966; first session Fifty-ninth Congress, Report No. 1066.

<sup>11</sup> First session Fiftieth Congress, Report No. 703.

<sup>12</sup> First session Fifty-first Congress, Report No. 1140.

In 1891,<sup>1</sup> 1894, and 1895,<sup>2</sup> on legislation relating to the mineral land laws and claims and entries thereunder.

In 1882<sup>3</sup> on the bill (H. R. 4170) authorizing claimants to mines to make certain affidavits.

In 1904 and 1905,<sup>4</sup> on suits in mining claims, mineral veins within boundaries of placer claims, and exploration and purchase of mines within boundaries of private land claims.

**4229. Bills relating to the welfare of men working in mines have been reported by the Committee on Mines and Mining.**—The Committee on Mines and Mining reported in 1890<sup>5</sup> a bill relating to the protection of the lives of miners; and in 1901<sup>6</sup> as to miners in the Territories.

**4230. The subject of mining debris in California has been within the jurisdiction of the Committee on Mines and Mining.**—In 1888,<sup>7</sup> 1892,<sup>8</sup> 1896,<sup>9</sup> 1905,<sup>10</sup> and 1906<sup>11</sup> the Committee on Mines and Mining reported on the subject of mining debris in California and as to the California Débris Commission.

**4231. The creation and history of the Committee on Public Buildings and Grounds, section 22 of Rule XI.**

**The rule gives to the Committee on Public Buildings and Grounds jurisdiction of subjects relating “to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor.”**

Section 22 of Rule XI provides for the reference of subjects relating—

to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds.

There are sixteen Members on this committee.

The committee was first established on September 15, 1837,<sup>12</sup> with jurisdiction of “subjects relating to the public edifices and grounds within the city of Washington.” On March 10, 1871,<sup>13</sup> on motion of Mr. Henry L. Dawes, of Massachusetts, this jurisdiction was extended to include “all the public buildings constructed by the United States.” The present form of the rule comes from the revision of 1880.<sup>14</sup>

**4232. The Committee on Public Buildings and Grounds has jurisdiction of bills authorizing the purchase of sites and construction of post-offices, custom-houses, and Federal court-houses in various portions of the country.**

<sup>1</sup> Second session Fifty-first Congress, Report No. 3484.

<sup>2</sup> Fifty-third Congress, second session, Reports Nos. 1283, 1338; third session, Report No. 1875.

<sup>3</sup> First session Forty-seventh Congress, Report No. 270.

<sup>4</sup> Fifty-eighth Congress, second session, Reports Nos. 1885, 2510; third session, Report No. 4095.

<sup>5</sup> First session Fifty-first Congress, Report No. 2588.

<sup>6</sup> First session Fifty-seventh Congress, Report No. 148.

<sup>7</sup> First session Fiftieth Congress, Report No. 408.

<sup>8</sup> First session Fifty-second Congress, Reports Nos. 165, 937.

<sup>9</sup> First session Fifty-fourth Congress, Report No. 876.

<sup>10</sup> Third session Fifty-eighth Congress, Report No. 4202.

<sup>11</sup> First session Fifty-ninth Congress, Report No. 1110.

<sup>12</sup> First session Twenty-fifth Congress, Globe, p. 34.

<sup>13</sup> First session Forty-second Congress, Globe, p. 53; Journal, p. 27.

<sup>14</sup> Second session Forty-sixth Congress, Record, p. 205.

**Legislation relating to the office of the Supervising Architect of the Treasury is within the jurisdiction of the Committee on Public Buildings and Grounds.**

The Committee on Public Buildings and Grounds exercises a general jurisdiction over bills authorizing the construction of buildings for post-offices, custom-houses, and Federal courts in various portions of the country,<sup>1</sup> as in 1907 the bill (H. R. 25758) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes. These bills carry only the authorizations. The actual appropriations are within the jurisdiction of the Committee on Appropriations.<sup>2</sup>

In 1885<sup>3</sup> the Committee on Public Buildings and Grounds reported the bill (H. R. 7523) defining the duties of the Supervising Architect, who controls the plans, etc., of buildings authorized by Congress.

**4233. Government buildings within the District of Columbia are within the jurisdiction of the Committee on Public Buildings and Grounds.**

**The bill authorizing the acquisition of a site and erection of the Government Printing Office was placed within the jurisdiction of the Committee on Public Buildings and Grounds.**

On September 6, 1893,<sup>4</sup> the joint resolution relating to the acquisition of a site and the erection of a Government Printing Office was changed from the Committee on Printing to the Committee on Public Buildings and Grounds.

The Committee on Public Buildings and Grounds has also reported:

In 1885,<sup>5</sup> in relation to an underground cable for telegraphic communication between the various Departments of the Government.

In 1890,<sup>6</sup> on the subject of fire alarm for public buildings in District of Columbia.

In 1894,<sup>7</sup> on the subject of municipal building in District of Columbia.

In 1906,<sup>8</sup> an act to provide a site and building for the Departments of State, Justice, and Commerce and Labor.

**4234. The bill for the purchase of the house in which Abraham Lincoln died was reported by the Committee on Public Buildings and Grounds.—**

On January 29, 1883,<sup>1</sup> the Committee on Public Buildings and Grounds reported the bill (H. R. 7463) for the purchase of the house in which Abraham Lincoln died.

**4235. Subjects relating to the Zoological Park in the District of Columbia have been within the jurisdiction of the Committee on Public**

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<sup>1</sup> See Fifty-ninth Congress, first session, Report No. 5011; second session, Report No. 8041; also prior Congresses.

<sup>2</sup> These appropriations are usually carried in the sundry civil bill. See 34 Stat. L., p. 697.

<sup>3</sup> Second session Forty-eighth Congress, Report No. 2445.

<sup>4</sup> First session Fifty-third Congress, Record, p. 1801.

<sup>5</sup> First session Forty-eighth Congress, Report No. 2395.

<sup>6</sup> First session Fifty-first Congress, Report No. 2078.

<sup>7</sup> Second session Fifty-third Congress, Report No. 1205.

<sup>8</sup> First session Fifty-ninth Congress, Report No. 5095.

<sup>9</sup> Second session Forty-seventh Congress, Report No. 1899.

**Buildings and Grounds.**—In 1889<sup>1</sup> the Committee on Public Buildings and Grounds reported the bill (H. R. 11810) for the establishment of the Zoological Park in the District of Columbia; and in 1890<sup>2</sup> and 1899<sup>3</sup> on bills to provide for the organization, improvement, maintenance, seclusion, and readjustment of boundaries of this park.

**4236. Subjects relating to public reservations and parks within the District of Columbia, including Rock Creek Park, are within the jurisdiction of the Committee on Public Buildings and Grounds.**—On April 2, 1906,<sup>4</sup> reference of the bill (H. R. 6000) to rectify the boundary line of Rock Creek Park was changed from the Committee on the District of Columbia to the Committee on Public Buildings and Grounds.

In 1907<sup>5</sup> the Committee on Public Buildings and Grounds reported the bill (S. 5201) “to acquire certain land in the District of Columbia as an addition to Rock Creek Park and in Hall and Elvan’s subdivision of Meridian Hill for a public park.”<sup>6</sup>

On March 28, 1906,<sup>7</sup> the House changed the reference of bill (H. R. 17412) for acquiring by condemnation for Government reservations certain triangles on Sixteenth street, in the city of Washington, from the Committee on the District of Columbia to the Committee on Public Buildings and Grounds.

On February 3, 1906,<sup>8</sup> on motion of the chairman of the committee on the District of Columbia, the bills (H. R. 9325) to acquire certain ground for a Government reservation (H. R. 6031), to acquire certain grounds in the District of Columbia for a Government reservation, and (H. R. 72) to acquire certain ground for a Government reservation, were referred to the Committee on Public Buildings and Grounds.

**4237. Subjects relating to the House restaurant and kitchen have been within the jurisdiction of the Committee on Public Buildings and Grounds.**—On April 8, 1869,<sup>9</sup> the Committee on Revisal and Unfinished Business, which had charge of the House restaurant, had been discontinued, and the care of the restaurant was given by resolution of the House to the Committee on Public Buildings and Grounds.

On December 15, 1893,<sup>10</sup> the House directed the Committee on Public Buildings and Grounds to investigate the condition of the kitchen of the House restaurant.

In 1894<sup>11</sup> Public Buildings and Grounds reported on the subject of the House restaurant and kitchen, and on the sale of intoxicating liquors in the Capitol.

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<sup>1</sup> Second session Fiftieth Congress, Report No. 3907.

<sup>2</sup> First session Fifty-first Congress, Report No. 305.

<sup>3</sup> Third session Fifty-fifth Congress, Report No. 2329.

<sup>4</sup> First session Fifty-ninth Congress, Record, p. 4624.

<sup>5</sup> Second session Fifty-ninth Congress, Report No. 7642.

<sup>6</sup> In 1891 (first session Fifty-first Congress, Report No. 870) however, the Committee on the District of Columbia reported the bill to establish Rock Creek Park, and in 1887 (second session Forty-ninth Congress, Report No. 3820) a bill providing for condemnation of land for this park.

<sup>7</sup> First session Fifty-ninth Congress, Record, p. 4423.

<sup>8</sup> First session Fifty-ninth Congress, Record, p. 2039.

<sup>9</sup> First session Fortieth Congress, Journal, p. 201; Globe, p. 644.

<sup>10</sup> Second session Fifty-third Congress, Record, p. 254.

<sup>11</sup> First session Fifty-fourth Congress, Reports Nos. 74, 1831.

**4238. Subjects relating generally to the Capitol building, especially the House wing, have been reported by the Committee on Public Buildings and Grounds.**—On January 18, 1882,<sup>1</sup> the Committee on Public Buildings and Grounds reported the bill (H. R. 3181) directing the architect to make certain repairs in the House wing of the Capitol, especially in the House restaurant.

The same committee also reported:

In 1890,<sup>2</sup> on the subject of shelving for the document room of the House.

In 1891,<sup>3</sup> on the subject of flags on the Capitol building

**4239. The creation and history of the Committee on Pacific Railroads, section 23 of Rule XI.**

**The rule gives to the Committee on Pacific Railroads jurisdiction of subjects relating “to the railroads and telegraph lines between the Mississippi River and the Pacific coast.”**

Section 23 of Rule XI provides for the reference of subjects relating—

to the railroads and telegraphic lines between the Mississippi River and the Pacific coast, to the Committee on Pacific Railroads.

This committee consists of fifteen members.

It was at first a select committee, and was made a standing committee on March 2, 1865.<sup>4</sup> The present form of the rule dates from 1880.<sup>5</sup>

**4240. The creation and history of the Committee on Levees and Improvements of the Mississippi River, section 24 of Rule XI.**

**The rule gives to the Committee on Levees and Improvements of the Mississippi River jurisdiction of subjects relating “to the levees of the Mississippi River.”**

Section 24 of Rule XI provides for the reference of subjects relating—

to the levees of the Mississippi River, to the Committee on Levees and Improvements of the Mississippi River

This committee has thirteen Members.

Originally this was a select committee, to whom were referred matters relating to the levees of the Mississippi River. On December 9, 1875, Mr. Randall L. Gibson, of Louisiana, presented a resolution, which was agreed to, establishing as a standing committee the “Committee on Mississippi Levees.”<sup>6</sup> In the next Congress the name was changed to its present form, and the committee reported and secured the passage of the bill establishing the Mississippi River Commission.<sup>7</sup> Up to the time of the revision in 1880 there had been no rule defining the jurisdiction of the committee. While the rules were under discussion at that time an attempt was made to define the jurisdiction by the words “improvement of the Mississippi

<sup>1</sup> First session Forty-seventh Congress, Report No. 23.

<sup>2</sup> First session Fifty-first Congress, Report No. 1753.

<sup>3</sup> Second session Fifty-first Congress, Report No. 3796.

<sup>4</sup> Second session Thirty-eighth Congress, Journal, p. 387; Globe, p. 1312.

<sup>5</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>6</sup> First session Forty-fourth Congress, Record, p. 191.

<sup>7</sup> Second session Forty-sixth Congress, Record, p. 452, remarks of Mr. Robertson.

River and its tributaries,” but this was defeated, and the words of the present rule were adopted.<sup>1</sup>

**4241. Subjects relating to the Mississippi River Commission are within the jurisdiction of the Committee on Levees and Improvements of the Mississippi River.**—In 1880<sup>2</sup> the bill creating the Mississippi River Commission was reported by the Committee on Levees and Improvements of the Mississippi River; and in 1900<sup>3</sup> the same committee reported a bill to amend that law.

In 1906<sup>4</sup> it reported again on this subject.

In 1891<sup>5</sup> this committee reported on the subject of levees.

**4242. The creation and history of the Committee on Education, section 25 of Rule XI.**

**The rule gives to the Committee on Education jurisdiction of subjects relating “to education.”**

Section 25 of Rule XI provides for the reference of subjects relating—to education, to the Committee on Education.

There are thirteen members in this committee.

Mr. Joseph Richardson, of Massachusetts, proposed a standing committee on Education on December 15, 1829,<sup>6</sup> but the proposition was successfully opposed on the ground that the jurisdiction of the subject of education belonged to the several States, Mr. Richardson’s motion being disagreed to, by a vote of 127 to 52. On March 21, 1867,<sup>7</sup> Mr. Nathaniel P. Banks, of Massachusetts, from the Committee on Rules, reported a proposition for the establishment of a standing Committee on Labor, which had been proposed by Mr. Jehu Baker, of Illinois, so amended as to establish a Committee “on Education and Labor,” the recent creation of the Bureau of Education rendering such a step desirable. On December 19, 1883,<sup>8</sup> the two jurisdictions were divided, leaving the rule in its present form.

**4243. Illustrations of the general jurisdiction of the Committee on Education.**—The Committee on Education has reported on the following subjects:

In 1884,<sup>9</sup> the bill (H. R. 4980) relating to the aid of the General Government for the support of common schools.

In 1890,<sup>10</sup> the bill (H. R. 634) to aid in the establishment and temporary support of common schools.

In 1901,<sup>11</sup> the bill (H. R. 1221) to provide for the education of the blind.

In 1899,<sup>12</sup> the bill (H. R. 9) to provide homes for teaching articulate speech to deaf children.

<sup>1</sup> Second session Forty-sixth Congress, Record, pp. 732–735, 822–824.

<sup>2</sup> First, session Forty-sixth Congress, H. R. 1847.

<sup>3</sup> First session Fifty-sixth Congress, Report No. 1651.

<sup>4</sup> First session Fifty-ninth Congress, Reports Nos. 2759, 4774.

<sup>5</sup> Second session Fifty-first Congress, Report No. 3598.

<sup>6</sup> First session Twenty-first Congress, Journal, pp. 42, 55; Debates, pp. 475–477.

<sup>7</sup> First session Fortieth Congress, Globe, p. 264.

<sup>8</sup> First session Forty-eighth Congress, Record, pp. 195, 196.

<sup>9</sup> First session Forty-eighth Congress, Report No. 495.

<sup>10</sup> First session Fifty-first Congress, Report No. 2605.

<sup>11</sup> Second session Fifty-sixth Congress, Report No. 2424.

<sup>12</sup> First session Fifty-sixth Congress, Report No. 5.

In 1890,<sup>1</sup> the bill (S. 3714) “to apply a portion of the public lands to the more complete endowment and support of the colleges<sup>2</sup> for the benefit of agriculture and the mechanic arts.”

In 1884,<sup>3</sup> on the investigation of the agricultural colleges.

In 1891,<sup>4</sup> on the subject of an Alaskan agricultural college.

In 1906,<sup>5</sup> on the incorporation of the National Educational Association.

**4244. The creation and history of the Committee on Labor, section 26 of Rule XI.**

**The rule gives to the Committee on Labor jurisdiction of subjects “relating to and affecting labor.”**

Section 26 of Rule XI provides for the reference of subjects relating—

to and affecting labor: to the Committee on Labor.

This committee is composed of 13 members.

It was created December 19, 1883, when the jurisdiction of the old Committee “on Education and Labor” was divided.<sup>6</sup>

**4245. The Committee on Labor has exercised general jurisdiction of propositions to make investigations as to the conditions of laboring people, labor troubles,<sup>7</sup> etc.**—The Committee on Labor has exercised jurisdiction over proposition to make investigations of subjects relating to the condition of labor, and has reported:

In 1896,<sup>8</sup> on the subject of a commission on labor, agriculture, and capital.

In 1892,<sup>9</sup> on labor statistics in relation to use of machinery.

In 1886,<sup>10</sup> a resolution relating to the investigation of labor troubles.

In 1892,<sup>11</sup> on an investigation of Idaho labor troubles.

In 1891,<sup>12</sup> on a commission to inquire into the condition of colored people.

In 1892,<sup>13</sup> on an investigation of the slums of cities.

In 1888,<sup>14</sup> on the condition of saleswomen in the District of Columbia.<sup>15</sup>

In 1906,<sup>16</sup> a joint resolution authorizing an investigation of the condition of woman and child labor in the United States.

<sup>1</sup> First session Fifty-first Congress, Report No. 2697.

<sup>2</sup> For this subject of the agricultural colleges, see also the Committee on Agriculture, section—of this volume.

<sup>3</sup> First session Forty-eighth Congress, Record, p. 1496.

<sup>4</sup> Second session Fifty-first Congress, Report No. 4414.

<sup>5</sup> First session Fifty-ninth Congress, Report No. 592.

<sup>6</sup> First session Forty-eighth Congress, Record, pp. 195, 196.

<sup>7</sup> See also section 4072 of this volume.

<sup>8</sup> First session Fifty-fourth Congress, Report No. 387.

<sup>9</sup> First session Fifty-second Congress, Report No. 514.

<sup>10</sup> First session Forty-ninth Congress, Report No. 1472.

<sup>11</sup> First session Fifty-second Congress, Report No. 2016.

<sup>12</sup> First session Fifty-seventh Congress, Report No. 2194.

<sup>13</sup> First session Fifty-second Congress, Report No. 625.

<sup>14</sup> First session Fiftieth Congress, Report No. 2903.

<sup>15</sup> First session Fifty-ninth Congress, Report No. 2745.

<sup>16</sup> The Committee on the Judiciary reported in 1894 a bill relative to treatment of female employees in stores in the District of Columbia. (Second session Fifty-third Congress, Report No. 1459.)



**4246. The Committee on Labor has reported on the subject of arbitration as a means of settling labor troubles.**—The Committee on Labor has reported:

In 1886,<sup>1</sup> the bill (H. R. 7479) for the settlement of controversies by arbitration.

In 1888,<sup>2</sup> on boards of arbitration for labor troubles on interstate railroads.

In 1894,<sup>3</sup> on arbitration of labor troubles.

In 1901,<sup>4</sup> on a board of investigation and arbitration.

In 1896,<sup>5</sup> on arbitration of railroad strikes.

In 1895,<sup>6</sup> on railroad labor controversies.

**4247. Propositions relating to wages and hours of labor, even when a constitutional amendment<sup>7</sup> has been proposed, have been considered by the Committee on Labor.**—The Committee on Labor has reported:

In 1884,<sup>8</sup> the resolution (H. Res. 74) proposing a constitutional amendment limiting the hours of labor.

In 1901,<sup>9</sup> on hours of labor on public works; and in 1906<sup>10</sup> on the same subject.

In 1887,<sup>11</sup> on the bill (H. R. 4011) providing for the payment of wages weekly by Government contractors; also in 1890<sup>12</sup> on Government laborers' pay.

In 1886<sup>13</sup> the bill (H. R. 5310) relating to the protection of laborers in their wages—a lien law.

**4248. Bills relating to convict labor and the entry of goods made by convicts into interstate commerce have been reported by the Committee on Labor.**—The Committee on Labor has exercised jurisdiction of the subject of convict labor, and has reported:

In 1884<sup>14</sup> the resolution (H. Res. 34) proposing an amendment to the Constitution of the United States prohibiting any State contracting the labor of prisoners; and the bill (H. R. 995) for the abolition of contract labor so far as the prisoners of the United States are concerned.

In 1886,<sup>15</sup> and 1892<sup>16</sup> bills relative to the employment of alien and convict labor on public works.

In 1891,<sup>17</sup> on a bill to prevent the use of convict labor on public buildings.

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<sup>1</sup> First session Forty-ninth Congress, Report No. 1447.

<sup>2</sup> First session Fiftieth Congress, Report No. 1725.

<sup>3</sup> Second session Fifty-third Congress, Report No. 1343.

<sup>4</sup> First session Fifty-seventh Congress, Report No. 2722.

<sup>5</sup> First session Fifty-fourth Congress, Report No. 1058.

<sup>6</sup> Third session Fifty-third Congress, Report No. 1754.

<sup>7</sup> See section 4056 of this volume.

<sup>8</sup> First session Forty-eighth Congress, Report No. 2044.

<sup>9</sup> First session Fifty-seventh Congress, Report No. 1793.

<sup>10</sup> First session Fifty-ninth Congress, Report No. 5030.

<sup>11</sup> Second session Forty-ninth Congress, Report No. 4011.

<sup>12</sup> First session Fifty-first Congress, Report No. 2630.

<sup>13</sup> First session Forty-ninth Congress, Report No. 514.

<sup>14</sup> First session Forty-eighth Congress, Reports Nos. 1064, 2043.

<sup>15</sup> First session Forty-ninth Congress, Report No. 369.

<sup>16</sup> First session Fifty-second Congress, Report No. 1312.

<sup>17</sup> First session Fifty-first Congress, Report No. 1785.

In 1888,<sup>1</sup> a bill to prevent convict-made goods from being furnished to any Department of the Government.

In 1891,<sup>2</sup> a bill to prevent the use of convict labor in any Department of the Government.

In 1906,<sup>3</sup> as to Government contracts for products of convict labor.

In 1888,<sup>4</sup> on a proposition to prohibit the importation of convict-made goods.

In 1894<sup>5</sup> and 1896,<sup>6</sup> on bills to confine the sale of convict-made goods to the States in which they are produced.

In 1900,<sup>7</sup> the bill (H. R. 5440) to protect free labor from prison competition, which was reported amended so as to provide for regulation of interstate commerce in prison-made goods.

In 1906,<sup>8</sup> the bill (H. R. 12318) “to limit the effect of the regulation of interstate commerce on goods, wares, and merchandise wholly or in part manufactured by convict labor.”

**4249. Propositions to regulate or prevent the importation of foreign laborers under contract have been within the jurisdiction of the Committee on Labor.**—The Committee on Labor has exercised jurisdiction as to the subject of contract labor, and has reported:

In 1884,<sup>9</sup> the resolution (H. Res. 246) declaring in favor of the employment of residents and citizens of the United States in the construction of public works, and the bill (H. R. 2550) to prevent the importation of foreign contract labor into the United States.

In 1886,<sup>10</sup> the bill (H. R. 9232) to amend the act prohibiting the importation or immigration of alien laborers under contract.

In 1890,<sup>11</sup> on the subject of contract labor.

In 1899,<sup>12</sup> the bill (H. R. 11247) extending the contract-labor laws to Hawaii.

**4250. Matters relating to labor employed in the various branches of the Government service have been considered by the Committee on Labor.**—The Committee on Labor has exercised a general jurisdiction on the subject of labor employed by the Government, having reported:

In 1884,<sup>13</sup> 1886,<sup>14</sup> 1887,<sup>15</sup> and 1895,<sup>16</sup> on leaves of absence and wages of employees of the Government Printing Office.

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<sup>1</sup> First session Fiftieth Congress, Report No. 1200.

<sup>2</sup> First session Fifty-first Congress, Report No. 1786.

<sup>3</sup> Second session Fifty-eighth Congress, Report No. 2448.

<sup>4</sup> First session Fiftieth Congress, Report No. 1727.

<sup>5</sup> Second session Fifty-third Congress, Report No. 1233.

<sup>6</sup> First session Fifty-fourth Congress, Report No. 1542.

<sup>7</sup> First session Fifty-sixth Congress, Report No. 1415.

<sup>8</sup> First session Fifty-ninth Congress, Report No. 4782.

<sup>9</sup> First session Forty-eighth Congress, Reports Nos. 444, 2045.

<sup>10</sup> First session Forty-ninth Congress, Report No. 2901.

<sup>11</sup> First session Fifty-first Congress, Report No. 2997.

<sup>12</sup> Third session Fifty-fifth Congress, Report No. 1794.

<sup>13</sup> First session Forty-eighth Congress, Report No. 2015.

<sup>14</sup> First session Forty-ninth Congress, Report No. 1413.

<sup>15</sup> Second session Forty-ninth Congress, Report No. 3815.

<sup>16</sup> Third session Fifty-third Congress, Report No. 1562.

In 1886,<sup>1</sup> and 1892,<sup>2</sup> on conditions of employment in the Bureau of Engraving and Printing.

In 1886,<sup>3</sup> and 1888,<sup>4</sup> on hours of labor of letter carriers.

In 1884,<sup>5</sup> on a resolution providing an investigation of the sanitary condition of places where labor is employed by the Government.

In 1886,<sup>6</sup> on the bill (H. R. 8819) relating to employees in United States navy-yards.

In 1888,<sup>7</sup> concerning the employment of enlisted men of Army and Navy.

In 1900,<sup>8</sup> and 1902,<sup>9</sup> the resolution (H. J. Res. 33) in reference to the employment of enlisted men in competition with local civilians.

**4251. The Committee on Labor has reported bills proposing general legislation as to classes of claims under the eight-hour law.**—In 1884,<sup>10</sup> 1888,<sup>11</sup> and 1890,<sup>12</sup> the Committee on Labor reported general—as distinguished from private and special—bills providing for the adjustment of claims under the eight-hour law.

**4252. The creation and history of the Committee on the Militia, section 27 of Rule XI.**

**The rule gives to the Committee on the Militia jurisdiction of subjects relating “to the militia of the several States.”**

Section 27 of Rule XI provides for the reference of subjects relating—to the militia of the several States; to the Committee on the Militia.

This committee consists of fourteen members.

It was established on December 10, 1835,<sup>13</sup> on motion of Mr. Ransom H. Gillet, of New York. The present form of the rule dates from the revision of 1880.<sup>14</sup>

**4253. Bills relating to the militia of the District of Columbia as well as to that of the various States have been considered by the Committee on the Militia.**—The Committee on the Militia has reported:

In 1888,<sup>15</sup> 1904,<sup>16</sup> and 1905,<sup>17</sup> on the militia of the District of Columbia.

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<sup>1</sup> First session Forty-ninth Congress, Report No. 515.

<sup>2</sup> First session Fifty-second Congress, Report No. 408.

<sup>3</sup> First session Forty-ninth Congress, Report No. 2722.

<sup>4</sup> First session Fiftieth Congress, Report No. 265.

<sup>5</sup> First session Forty-eighth Congress, Report No. 932.

<sup>6</sup> First session Forty-ninth Congress, Report No. 2900.

<sup>7</sup> First session Fiftieth Congress, Report No. 493.

<sup>8</sup> First session Fifty-sixth Congress, Report No. 1199.

<sup>9</sup> First session Fifty-seventh Congress, Report No. 428.

<sup>10</sup> First session Forty-eighth Congress, Reports Nos. 1065, 1285.

<sup>11</sup> First session Fiftieth Congress, Report No. 1726.

<sup>12</sup> First session Fifty-first Congress, Reports Nos. 489, 2196, 2593.

<sup>13</sup> First session Twenty-fourth Congress, Journal, p. 38; Globe, p. 19. A standing committee on militia was proposed as early as December 7, 1815, by Mr. Richard H. Wilde, of Georgia (first session Fourteenth Congress, Journal, p. 29; Annals, p. 380).

<sup>14</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>15</sup> First session Fiftieth Congress, Reports Nos. 809, 2402, 2606, including also the militia of the Territory of Montana.

<sup>16</sup> Second session Fifty-eighth Congress, Report No. 2724.

<sup>17</sup> Third session Fifty-eighth Congress, Reports Nos. 4508, 4596.

In 1904<sup>1</sup> and 1906,<sup>2</sup> on promotion of efficiency of the militia and encouragement of rifle practice.

In 1890<sup>3</sup> and 1892,<sup>4</sup> on the reorganization of the militia.

In 1892,<sup>5</sup> on issuance of artillery for the national guard and on issuance of ordnance stores to the State of Nebraska to supply the place of those destroyed by fire.

**4254. The creation and history of the Committee on Patents, section 28 of Rule XI.**

**The rule gives to the Committee on Patents jurisdiction of subjects relating “to patents, copyrights, and trade-marks.”**

Section 28 of Rule XI provides for the reference of subjects relating—to patents, copyrights, and trade-marks; to the Committee on Patents.

This committee has fourteen members.

As created on September 15, 1837,<sup>6</sup> its jurisdiction related to patents alone. At the time of the revision of 1880, when the present form of the rule was fixed, the subjects of “copyrights and trademarks” were added, on motion of Mr. John S. Newberry, of Michigan.<sup>7</sup>

**4255. The subjects of patent law, jurisdiction of courts in patent cases, the Patent Office, including a building therefor, have been considered by the Committee on Patents.**

**The subject of an international patent conference was considered by the Committee on Patents.**

The general jurisdiction of the subject of patents belongs to the Committee on Patents, which has reported:

In 1890,<sup>8</sup> as to an investigation of the methods and accommodations of the Patent Office, including a revision of law and regulation and the authorization of a commission to select a site and provide a building for the Patent Office.

In 1896,<sup>9</sup> on the classification division of the Patent Office.

In 1891,<sup>10</sup> on revision of patent laws.

In 1890,<sup>11</sup> on the subject of international patent conference.

In 1897,<sup>12</sup> on a bill defining the jurisdiction of circuit courts in patent cases.

**4256. Bills relating to the general subject of trade-marks, including punishment for the counterfeiting thereof, have been considered by the Committee on Patents.—The Committee on Patents has jurisdiction of the sub-**

<sup>1</sup> Second session Fifty-eighth Congress, Reports Nos. 2775, 2845, 2872.

<sup>2</sup> First session Fifty-ninth Congress, Report No. 1068.

<sup>3</sup> First session Fifty-first Congress, Report No. 805.

<sup>4</sup> First session Fifty-second Congress, Report No. 754.

<sup>5</sup> First session Fifty-second Congress, Reports Nos. 1059, 2120.

<sup>6</sup> First session Twenty-fifth Congress, Globe, p. 34.

<sup>7</sup> Second session Forty-sixth Congress, Record, pp. 824, 825.

<sup>8</sup> First session Fifty-first Congress, Report No. 1320.

<sup>9</sup> First session Fifty-fourth Congress, Report Nos. 88, 2277.

<sup>10</sup> Second session Fifty-first Congress, Report No. 3281.

<sup>11</sup> First session Fifty-first Congress, Report No. 298.

<sup>12</sup> Second session Fifty-fourth Congress, Report No. 2905.

ject of trade-marks, and has reported general bills on that subject in 1890,<sup>1</sup> 1898<sup>2</sup> and 1906,<sup>3</sup> and in 1888<sup>4</sup> a bill to provide for punishing the counterfeiting of trade-marks.

This committee also reported in 1901<sup>5</sup> the bill (H. R. 13109) relating to the registration of persons, etc., engaged in transportation business.

In 1907<sup>6</sup> the Committee on Patents reported "A bill to amend sections 5 and 6 of an act entitled 'An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same.'"<sup>7</sup>

**4257. The Committee on Patents has jurisdiction of general and special legislation relating to copyrights, although its title to the jurisdiction of international copyright is not entirely clear.**—The Committee on Patents has general jurisdiction of the subject of copyrights, and has reported numerous bills<sup>8</sup> revising or amending the general copyright laws, including those relating to music publications.<sup>9</sup> This committee has also reported special bills, as one in 1906,<sup>10</sup> to protect the copyright matter in a work entitled "Rules and specifications for grading lumber."

On the subject of international copyright, however, the Committee on the Judiciary has shared the jurisdiction, but not to the extent of complete possession.<sup>11</sup>

**4258. The creation and history of the Committee on Invalid Pensions, section 29 of Rule XI.**

**The rule gives to the Committee on Invalid Pensions jurisdiction as "to the pensions of the civil war."**

Section 29 of Rule XI provides for the reference of subjects relating—

to the pensions of the civil war: to the Committee on Invalid Pensions.

This committee consists of sixteen members.

On December 22, 1813,<sup>12</sup> the standing Committee on "Pensions and Revolutionary Claims" was established on motion of Mr. Stevenson Archer, of Maryland. On December 9, 1825,<sup>13</sup> a committee on Revolutionary pensions was created, and a few days later<sup>14</sup> its name was changed to the "Committee on Military Pensions," on motion of Mr. Daniel Webster, of Massachusetts, while at the same time the

<sup>1</sup> First session Fifty-first Congress, Report No. 27.

<sup>2</sup> Second session Fifty-fifth Congress, Reports Nos. 549, 691, 692.

<sup>3</sup> First session Fifty-ninth Congress, Report No. 2668.

<sup>4</sup> First session Fiftieth Congress, Report No. 2707.

<sup>5</sup> Second session Fifty-sixth Congress, Report No. 2737.

<sup>6</sup> Second session Fifty-ninth Congress, Report No. 7637.

<sup>7</sup> In 1896 (First session Fifty-fourth Congress, Report No. 884), however, the Committee on Interstate and Foreign Commerce reported a bill relating to registration of trade-marks on vessels, bottles, boxes, etc., used in interstate and foreign commerce.

<sup>8</sup> First session Fifty-ninth Congress, Report No. 4955; second session Fifty-eighth Congress, Reports, Nos. 1287, 2857; first session Fiftieth Congress, Report No. 3434.

<sup>9</sup> Second session Fifty-fifth Congress, Report No. 1289.

<sup>10</sup> First session Fifty-ninth Congress, Report No. 4978.

<sup>11</sup> See section 4075 of this volume.

<sup>12</sup> Second session Thirteenth Congress, Journal, pp. 178, 182 Annals, p. 803.

<sup>13</sup> Is First session Nineteenth Congress, Journal, pp. 27, 32.

<sup>14</sup> Journal, p. 46.

name of the Committee on “Pensions and Revolutionary Claims” was changed to the “Committee on Revolutionary Claims.”

On January 10, 1831,<sup>1</sup> on motion of Mr. James Trezvant, of Virginia, a rule was adopted establishing the Committee on Invalid Pensions as a standing committee, with jurisdiction of “matters respecting invalid pensions.” The old Military Pensions Committee—successor to the Revolutionary Pensions Committee of 1825—was at the same time abolished, and the Committee on Revolutionary Pensions was established anew, with jurisdiction of “pensions for services in the Revolutionary war other than invalid pensions.” By this arrangement pensions from the war of 1812 went in practice, if not by express rule, to the Invalid Pensions Committee, until March 26, 1867, when the latter committee became overburdened, and they were transferred to the Committee on Revolutionary Pensions.<sup>2</sup> In the revision of 1880 the present form of rule was adopted, both for the Invalid Pensions Committee and for the Pensions Committee, which thenceforth took the place of the Committee on Revolutionary Pensions.<sup>3</sup>

This committee may report general pension bills at any time.<sup>4</sup>

**4259. The Committee on Invalid Pensions reports general and special bills authorizing payments of pensions to soldiers of the civil war, but the actual appropriations therefor are reported by the Committee on Appropriations.**—On December 6, 1888,<sup>5</sup> the resolutions distributing the President’s message referred to the Committee on Invalid Pensions so much as related to “pension laws and their modification and revision.”

In general, this committee has reported all general pension legislation relating to veterans of the civil war;<sup>6</sup> and it also reports private and special acts for the relief of soldiers of that war.<sup>7</sup>

But the actual appropriation of the money to meet the requirements of both general and special pension laws is within the jurisdiction of the Committee on Appropriations, which reports in the general pension appropriation bill.<sup>8</sup>

**4260. The creation and history of the Committee on Pensions, section 29 of Rule XI.**

**The rule gives to the Committee on Pensions jurisdiction of matters relating “to the pensions of all the wars of the United States other than the civil war.”**

Section 29 of Rule XI provides for the reference of subjects relating—

to the pensions of all the wars of the United States other than the civil war; to the Committee on Pensions.

This committee consists of fourteen members.

<sup>1</sup> Second session Twenty-first Congress, Journal, pp. 145, 167.

<sup>2</sup> First session Fortieth Congress, Journal, p. 117; Globe, p. 362.

<sup>3</sup> See section 4.260 of this volume.

<sup>4</sup> See section 4621 of this volume.

<sup>5</sup> Second session Fiftieth Congress, Journal, p. 53.

<sup>6</sup> See first session Fifty-first Congress, Reports, Nos. 13, 226, 629, 2953, 3204; second session Fifty-third Congress, Reports Nos. 583, 1212, 1213.

<sup>7</sup> See Journal, first session Fifty-ninth Congress, pp. 1366–1374, for illustration of the work of this committee.

<sup>8</sup> First session Fifty-ninth Congress, Report No. 581.

The old Committee on Revolutionary Pensions, which had first been established on December 9, 1825, on motion of Mr. Peter Little, of Maryland,<sup>1</sup> was abolished at the time of the revision of 1880,<sup>2</sup> when the present rule was adopted.<sup>3</sup>

**4261. The Committee on Pensions reports general and special bills authorizing the payment of pensions, but the actual appropriations are reported by the Committee on Appropriations.**—The Committee on Pensions reports private and special bills for the relief of soldiers of all wars except the civil war,<sup>4</sup> and also bills proposing general pension legislation for all wars except the civil war.<sup>5</sup>

The actual appropriations authorized by laws reported from this committee are reported from the Committee on Appropriations in the general pension appropriation bill.<sup>6</sup>

**4262. The creation and history of the Committee on Claims, section 31 of Rule XI.**

The rule gives to the Committee on Claims jurisdiction of subjects relating “to private and domestic claims and demands other than war claims against the United States.”

**The Committee on Claims, in exercising its jurisdiction, reports bills which make appropriations from the Treasury.**

Section 31 of Rule XI provides for the reference of subjects relating—

to private and domestic claims and demands other than war claims against the United States; to the Committee on Claims.

The Committee on Claims consists of fifteen members.

It divides with Elections the honor of being the oldest standing committee of the House. They were established on the same day, November 13, 1794,<sup>7</sup> and to Claims was given the jurisdiction of all “matters or things touching claims and demands on the United States.” The present form of the rule was fixed by the revision of 1880.<sup>2</sup> The jurisdiction of the committee has not continued so broad as when first established, as war claims have generally gone to another committee.<sup>8</sup>

The Committees on Claims and War Claims, in dealing with individual claims, not only authorize the payments, but actually make the appropriations of money from the Treasury, in this respect exercising a function not permitted to other committees that are not endowed by the rules expressly with the power of reporting appropriations.

**4263. The Committee on Claims has reported general—as distinguished from special—bills providing for disposition of classes of claims, like the French spoliation claims, by the Court of Claims.**—The Committee

<sup>1</sup> First session Nineteenth Congress, Journal, p. 32.

<sup>2</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>3</sup> For general history of the various pension committees, see section 4558 of this chapter.

<sup>4</sup> See Journal First session Fifty-ninth Congress, pp. 1376–1378, for illustration of work of this committee.

<sup>5</sup> Second session Fifty-fourth Congress, Report No. 2635.

<sup>6</sup> First session Fifty-ninth Congress, Report No. 581.

<sup>7</sup> Third and Fourth Congresses, Journal, p. 229 (Gales & Seaton ed.).

<sup>8</sup> See section 4269 of this volume.

on Claims reports private and special bills for the satisfaction of all claims other than war claims.<sup>1</sup> It also exercises a general, but not exclusive,<sup>2</sup> jurisdiction over propositions of general legislation regulating the disposition of claims. Thus it has reported:

In 1886<sup>3</sup> the Committee on Claims reported the bill (S. 2643) to afford assistance to Congress and the Executive Departments in the investigation of claims and demands against the Government. This was a general measure conferring jurisdiction on the Court of Claims for certain cases.

In 1894<sup>4</sup> a general bill providing for the disposition of claims for supplies and the French spoliation claims.

**4264. The jurisdiction of French spoliation claims belongs to the Committee on Claims.**—On January 23, 1906,<sup>5</sup> the Speaker<sup>6</sup> said:

The Chair lays before the House a request coming from the Committee on Claims and also the Committee on War Claims, taking from the Committee on Claims certain Executive documents touching findings of the Court of Claims in the matter of the French spoliation claims, and asking that the reference be changed from the Committee on Claims to the Committee on War Claims. The effect of this, if done, would be to change the jurisdiction of the respective committees as that jurisdiction has been heretofore exercised. If the change should be made, about which the Chair does not intimate any opinion as to the propriety thereof, the Chair will feel justified in the future, if not incidentally authorized when similar communications come, to refer the same to the Committee on War Claims instead of to the Committee on Claims. With the explanation given, is there objection to the request?

Objection being made, the matter went over and did not come up thereafter.

**4265. Appropriations for payment of French spoliation claims being included in a private bill reported by the Committee on War Claims, the chairman of the Committee of the Whole House ordered them stricken out as belonging to the jurisdiction of the Committee on Claims.**—On January 4, 1907,<sup>7</sup> the Committee of the Whole House was considering the bill (H. R. 19003) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims, under the provisions of the acts approved January 20, 1885, and March 3, 1891, and for other purposes.

After the bill had been read Mr. James R. Mann, of Illinois, made a point of order, saying:

I wish to make a point of order on this bill, or so much of it as relates to the French spoliation claims, on the ground that the Committee on War Claims has no jurisdiction to report a bill of this sort, it being a private bill and subject to a point of order at this time.<sup>8</sup>

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<sup>1</sup> See Journal First session Fifty-ninth Congress, p. 1364.

<sup>2</sup> See sections 4078, 4168 of this work.

<sup>3</sup> Second session Forty-ninth Congress, Report No. 3497.

<sup>4</sup> Second session Fifty-third Congress, Report No. 1051.

<sup>5</sup> First session Fifty-ninth Congress, Record, p. 1459.

<sup>6</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>7</sup> Second session Fifty-ninth Congress, Record, pp. 636, 637.

<sup>8</sup> General appropriation bills, being public bills and referred to Committee of the Whole House on the state of the Union in open House, are not subject to points of order of this nature unless a reservation is made at the time of reference (see secs. 6921–6926 of Volume V of this work); but private bills, which are reported by laying them on the Clerk's table, must, manifestly, be subject to such points of order without the reservation.



I may say, Mr. Chairman, that the rules provide that all bills carrying private or domestic claims and demands, other than war claims against the United States, shall be referred to the Committee on Claims. Bills providing for claims arising from any war in which the United States has been engaged shall be referred to the Committee on War Claims.

It has been the universal custom and practice in the House that bills providing for the payment of French spoliation claims shall be referred to the Committee on Claims and not to the Committee on War Claims. Now, I insist that the Committee on War Claims can not enlarge its jurisdiction in violation of the rules of the House because a bill may be introduced carrying one claim properly referable to that committee, but including a large number of claims properly referable to the Committee on Claims. If that could be allowed, any committee dealing with private bills could obtain jurisdiction of any kind of a bill by putting one section in the bill properly referable to that committee, and including in the bill a number of things properly referable to some other committee.

The Chairman <sup>1</sup> held:

In the opinion of the Chair there is no question that such portion of the bill as relates to the French spoliation claims belongs properly to the jurisdiction of the Committee on Claims, and for that reason the Chair will sustain the point of order of the gentleman from Illinois [Mr. Mann] and order those portions of the bill relating to French spoliation claims to be stricken from the bill.

**4266. Bills for the redemption of lost bonds, checks, and coupons are reported by the Committee on Claims.**—On April 21, 1902,<sup>2</sup> a bill for replacing certain Government bonds lost by Clara H. Fulford was returned by the Committee on Ways and Means and referred to the Committee on Claims. And in general, special bills for the payment of lost coupons and for replacing lost checks drawn on the Treasury of the United States belong to the jurisdiction of Claims rather than Ways and Means.<sup>3</sup>

**4267. The Committee on Claims has shared in jurisdiction over public bills for adjusting accounts between the United States and the several States and Territories.**—Bills to adjust the claims of States, Territories, and the District of Columbia against the United States are classified as public bills rather than private and special, and the jurisdiction over such bills has not been exercised exclusively by any particular committee,<sup>4</sup> but on February 4, 1885,<sup>5</sup> the Committee on Claims reported the bill (H. R. 6047) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia. This was a bill to return the direct tax of 1861.

**4268. A private bill providing for a rehearing and readjudication in the Court of Claims belongs to the jurisdiction of a Claims Committee and not to the Committee on the Judiciary.**—On February 15, 1901,<sup>6</sup> the House was in Committee of the Whole House considering, business on the Private Calendar, the first bill being the following:

A Bill (H. R. 6038) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons.

*Be it enacted, etc., That the Court of Claims is hereby authorized to grant a new trial in the case of Penny & Sons v. The United States and the Sioux Indians, numbered in said court as Indian depredation No. 4634, and to rehear said case in accordance with the act of March 3, 1891, relative to Indian depredation claims, the same as if no judgment had been entered therein.*

<sup>1</sup> William A. Rodenburg, of Illinois, Chairman.

<sup>2</sup> First session Fifty-seventh Congress, Record, p. 4503.

<sup>3</sup> Second session Fifty-fifth Congress, Record, p. 6716; House Report No. 277.

<sup>4</sup> See section 4080 of this work.

<sup>5</sup> Second session Forty-eighth Congress, Report No. 2486.

<sup>6</sup> Second session Fifty-sixth Congress, Record, pp. 2481–2484.

The Committee on Claims had reported the bill with an amendment in the nature of a substitute, providing:

That the Court of Claims is hereby given jurisdiction to rehear and reconsider and determine the motion filed in said court by the claimants on the 15th day of April, 1898, for a rehearing and new trial of the case of Penny & Sons *v.* The United States and Sioux Indians, numbered in said court as Indian depredations No. 4634; and to that end the bar of the statute of limitations against said motion is hereby removed, and the said court is given jurisdiction to rehear and redetermine said motion in the same manner and with like effect as if said motion had been filed and presented within the time authorized by law and the rules of said court; and if said motion shall be sustained by said court, then, and in that event, the court shall proceed to retry and readjudicate the matter involved in said suit the same as if no former judgment had been entered therein.

Mr. George W. Ray, of New York, made the point of order that the subject should have been referred to the Committee on the Judiciary, and was therefore improperly before the Committee of the Whole.

After debate the Chairman <sup>1</sup> said:

The question before the Chair is as to the jurisdiction of the committee reporting this bill; which seeks to give the Court of Claims the power to rehear and reconsider and determine a motion filed for a new trial; and further, if the Court of Claims should grant the new trial of this case, to give that court the right to readjudicate the claim, or, in other words, to adjudicate it. Now, under subdivision 3 of Rule XXI no bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees: The Committee on Invalid Pensions, the Committee on Pensions, the Committee on Claims, the Committee on War Claims, the Committee on Private Land Claims, or the Committee on Accounts.

Now, this is a private claim. This rule says that no bill for the adjudication of private claims shall be referred to any other committee than the committees named. In the opinion of the Chair, this bill was properly referred to the Committee on Claims, and the point of order made by the gentleman from New York is not well taken. Consequently the point of order is overruled.

#### **4269. The creation and history of the Committee on War Claims, section 32 of Rule XI.**

**The rule gives to the Committee on War Claims jurisdiction of it "claims arising from any war in which the United States has been engaged."**

**The Committee on War Claims may report, within the limits of its jurisdiction, bills making appropriations of money.**

Section 32 of Rule XI provides for the reference of subjects relating—

to claims arising from any war in which the United States has been engaged: to the Committee on War Claims.

This committee consists of 13 members.

War claims were formerly considered by the old committee "on Revolutionary Claims," <sup>2</sup> which dated from December 22, 1813. On December 2, 1873, <sup>3</sup> the name of this committee was changed to "War Claims," and its jurisdiction was specified to be "all claims growing out of any war in which the United States has been engaged."

The Committee on War Claims, like the Committee on Claims, <sup>4</sup> exercises the power of reporting appropriations for the payment of individual claims.

<sup>1</sup> James A. Hemenway, of Indiana, Chairman.

<sup>2</sup> Originally the Committee on "Pensions and Revolutionary Claims." (See sec. 4258 of this volume.)

<sup>3</sup> First session Forty-third Congress, Record, p. 23.

<sup>4</sup> See section 4262 of this volume.

**4270. The Committee on War Claims has exercised a general but not exclusive jurisdiction over general bills providing for the adjudication or settlement of classes of war claims.**—Besides reporting on private and special bills for the satisfaction of claims arising out of wars, the Committee on War Claims has exercised a general jurisdiction <sup>1</sup> over propositions of general legislation relating to the disposition of such claims, and has reported:

In 1899,<sup>2</sup> the bill (H. R. 12084) to reimburse those who had had sent to their homes for burial the dead bodies of officers, soldiers, and sailors who died away from home while members of the Army or Navy of the United States since January 1, 1898. (Spanish War.)

In 1901,<sup>3</sup> a general bill to provide for the reimbursement of officers and men of the Army for medical expenses incurred during leave or furlough.

In 1900,<sup>4</sup> the bill (H. R. 7662) to carry into effect the stipulations of the treaty with Spain in relation to claims arising since the beginning of the recent insurrection in Cuba and prior to the ratification of the treaty of 1898; also the bill (H. R. 1212) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all claims presented in behalf of churches, schools, etc., arising out of use or damage by soldiers during the civil war.

In 1888,<sup>5</sup> the bill (H. R. 3366) authorizing the Court of Claims to adjudicate claims for property seized under the act relating to captured or abandoned property; also in 1900<sup>6</sup> the bill (H. R. 4615) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts.

In 1888,<sup>7</sup> the bill (H. R. 3367) to enable the President to appoint a board of claims commissioners.

In 1892,<sup>8</sup> on war of 1812 claims.

**4271. The war claims of States and Territories against the United States have been considered, although not exclusively, by the Committee on War Claims.**—Bills for the payment and adjudication of the war claims of States and Territories against the United States are classified as public rather than private and special. The Committee on War Claims does not have exclusive<sup>9</sup> jurisdiction over such bills, but has often reported them:

In 1884,<sup>10</sup> the bill (H. R. 2463) to reimburse the several states for interest paid on war loans.

In 1899,<sup>11</sup> the bill (S. 5260) relating to the reimbursements of States and Territories for expenses incurred by them in aiding the United States to raise, organize, and equip the volunteer army of the United States in the war with Spain.

<sup>1</sup> This jurisdiction is not exclusive. (See sec. 4079 of this volume.)

<sup>2</sup> Third session Fifty-fifth Congress, Report No. 2093.

<sup>3</sup> Second session Fifty-sixth Congress, Report No. 2617.

<sup>4</sup> First session Fifty-sixth Congress, Reports Nos. 212, 597.

<sup>5</sup> First session Fiftieth Congress, Report No. 538.

<sup>6</sup> First session Fifty-sixth Congress, Report No. 214.

<sup>7</sup> First session Fiftieth Congress, Report No. 537.

<sup>8</sup> First session Fifty-second Congress, Report No. 220.

<sup>9</sup> See section 4080 of this volume.

<sup>10</sup> First session Forty-eighth Congress, Report No. 1102.

<sup>11</sup> Third session Fifty-fifth Congress, Report No. 2192.

In 1898,<sup>1</sup> the bill (H. R. 8003) to refund to the State of New York certain duties paid in 1863.

In 1900,<sup>2</sup> the bill (H. R. 1066) to indemnify Pennsylvania for money expended in 1864 for militia called into service by the governor.

**4272. The Committee on War Claims has reported in a few instances bills relating to claims arising out of Indian hostilities.**—The Committee on War Claims has reported these bills:

In 1895,<sup>3</sup> on Indian war claims in Oregon, Idaho, and Washington.

In 1900,<sup>4</sup> the bill (S. 2384) to reimburse certain persons for expenses incurred during incursions of Indians in Nevada.

**4273. The creation and history of the Committee on Private Land Claims, section 33 of Rule XI.**

**The rule gives to the Committee on Private Land Claims jurisdiction as “to private claims to land.”**

Section 33 of Rule XI provides for the reference of subjects relating—to private claims to land: to the Committee on Private Land Claims.

This committee consists of thirteen Members and one Delegate.

It was established as a standing committee on April 29, 1816, on motion of Mr. Thomas B. Robertson, of Louisiana.<sup>5</sup>

**4274. A bill for the establishment of a land court was reported by the Committee on Private Land Claims.**—On March 31, 1888,<sup>6</sup> the bill of the House (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona and New Mexico, and in the State of Colorado, was called up under instructions from the Committee on Private Land Claims, having been reported from that committee.

**4275. The Committee on Private Land Claims has exercised jurisdiction over general as well as special bills relating to the adjudication and settlement of private claims to land.**—The Committee on Private Land Claims, besides reporting bills for the settlement of individual claims to public lands,<sup>7</sup> has also reported bills proposing general legislation:

In 1890,<sup>8</sup> a bill to establish a land court and provide for the settlement of land claims in certain Territories.

In 1898,<sup>9</sup> the bill (H. R. 10290) to amend an act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories.

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<sup>1</sup> Second session Fifty-fifth Congress, Report No. 1412.

<sup>2</sup> First session Fifty-sixth Congress, Report No. 222.

<sup>3</sup> Third session Fifty-third Congress, Report No. 1538.

<sup>4</sup> First session Fifty-sixth Congress, Report No. 782.

<sup>5</sup> First session Fourteenth Congress, Journal, p. 753; Annals, p. 1456.

<sup>6</sup> First session Fiftieth Congress, Journal, p. 1391; Record, pp. 2577, 2578.

<sup>7</sup> See Second session Fifty-seventh Congress, Report No. 3918; Third session Fifty-eighth Congress, Reports Nos. 3766, 4886.

<sup>8</sup> First session Fifty-first Congress, Report No. 1797.

<sup>9</sup> Second session Fifty-fifth Congress, Report No. 1292.

In 1884<sup>1</sup> and 1888,<sup>2</sup> bills to provide for ascertaining and settling private land claims in certain States and Territories.

In 1886,<sup>3</sup> the bill (H. R. 3235) relating generally to private land grants of a certain class in Arizona.

In 1892,<sup>4</sup> on the subject of Mexican land grants.

In 1905,<sup>5</sup> on land titles in the city of Mobile.

**4276. The creation and history of the Committee for the District of Columbia, section 34 of Rule XI.**

**The rule gives to the Committee for the District of Columbia jurisdiction of subjects relating “to the District of Columbia other than appropriations therefor.”**

Section 34 of Rule XI provides for the reference of subjects relating—

to the District of Columbia, other than appropriations therefor; to the Committee for the District of Columbia.

This committee shall consist of eighteen Members.

It was established as a standing committee on January 27, 1808, in order to simplify the District business, to save the forming of many committees, and to promote consistency and uniformity in the laws relating to the District.<sup>6</sup> Mr. Philip Barton Key, of Maryland, on whose motion the committee was established, was its first chairman. The present form of the rule was adopted in the revision of 1880.<sup>7</sup> This committee has two days in the month for presentation of its business.<sup>8</sup>

**4277. The Committee for the District of Columbia reports bills proposing legislation as to the general municipal affairs of the District.**—The Committee for the District of Columbia has a general and usually an exclusive<sup>9</sup> jurisdiction of bills proposing legislation relating to the affairs of the District of Columbia, and reports on such subjects as extension of streets,<sup>10</sup> affairs of the schools and teachers,<sup>11</sup> control of railroads,<sup>12</sup> police and fire department,<sup>13</sup> etc.<sup>14</sup> This committee has also reported on the subject of claims against the District.<sup>15</sup>

All appropriations for the District are reported by the Committee on Appropriations in the District of Columbia general appropriation bill.

<sup>1</sup> First session Forty-eighth Congress, Report No. 985.

<sup>2</sup> First session Fiftieth Congress, Report No. 675.

<sup>3</sup> First session Forty-ninth Congress, Report No. 192.

<sup>4</sup> First session Fifty-second Congress, Report No. 1253.

<sup>5</sup> Third session Fifty-eighth Congress, Report No. 3484.

<sup>6</sup> First session Tenth Congress, Journal, p. 146; Annals, Vol. II, p. 1512.

<sup>7</sup> Second session Forty-sixth Congress, Record, p. 825.

<sup>8</sup> See section 3304 of this volume.

<sup>9</sup> In 1894 (Second session Fifty-third Congress, Report, No. 607), however, the Committee on the Judiciary reported on the subject of representation by a Delegate in Congress.

<sup>10</sup> First session Fifty-ninth Congress, Reports, Nos. 241, 2760, etc.

<sup>11</sup> Report No. 3395.

<sup>12</sup> Report No. 4429.

<sup>13</sup> Report No. 1678.

<sup>14</sup> See Journal, first session Fifty-ninth Congress, page 1364, for summary of subjects within this jurisdiction.

<sup>15</sup> First session Fifty-second Congress, Report No. 2129; first session Fifty-fourth Congress, Report No. 1923; third session Fifty-fifth Congress, Report No. 2059.

**4278. The Committee for the District of Columbia has exercised jurisdiction generally of the subject of insurance in the District.**—The Committee for the District of Columbia has exercised jurisdiction as to the subject of insurance in the District of Columbia,<sup>1</sup> and reported:

In 1889,<sup>2</sup> the bill (H. R. 12137) relating to deposit of securities by insurance companies in the District.

In 1891,<sup>3</sup> on the subject of an insurance bureau.

In 1900,<sup>4</sup> the bill (H. R. 9283) to regulate insurance in the District of Columbia.

**4279. The subject of tax sales and taxes in the District is within the jurisdiction of the Committee for the District of Columbia.**—The Committee for the District of Columbia reported:

In 1896,<sup>5</sup> on the subject of tax sale certificates in the District.

In 1897,<sup>6</sup> a bill in relation to taxes and tax sales in the District of Columbia.

In 1899,<sup>7</sup> the bill (S. 4700) relating to interest on arrearages of taxes in the District of Columbia.

**4280. The subject of adulteration of food, drugs, etc., in the District is within the jurisdiction of the Committee for the District of Columbia.**—The Committee for the District of Columbia reported:

In 1898<sup>8</sup> and 1900,<sup>9</sup> bills providing for the inspection of flour in the District.

In 1888<sup>10</sup> and 1898,<sup>11</sup> bills to prevent the manufacture or sale of adulterated foods and drugs in the District.

In 1898,<sup>12</sup> on the subject of adulteration of candy in the District.

**4281. The Committee for the District of Columbia has exercised general jurisdiction of bills for the regulation of the sale of intoxicating liquors in the District.**—The Committee for the District of Columbia has reported:

In 1885,<sup>13</sup> 1893,<sup>14</sup> and 1894,<sup>15</sup> bills relating to the manufacture and sale of spirituous and malt liquors in the District of Columbia.

In 1887,<sup>16</sup> the bill (S. 1380) regulating the sale of liquors in the District of Columbia.

<sup>1</sup> In 1906 the subject of Federal control of insurance arose, and the House committed the general subject of insurance to the Judiciary Committee, with the result that bills relating to the District of Columbia particularly also went to the Committee on the Judiciary. See section 4059 of this volume.

<sup>2</sup> Second session Fiftieth Congress, Report, No. 3931.

<sup>3</sup> Second session Fifty-first Congress, Report No. 4015.

<sup>4</sup> First session Fifty-sixth Congress, Report No. 691.

<sup>5</sup> First session Fifty-fourth Congress, Report No. 1182.

<sup>6</sup> Second session Fifty-fourth Congress, Report No. 2529.

<sup>7</sup> Third session Fifty-fifth Congress, Report No. 1799.

<sup>8</sup> Second session Fifty-fifth Congress, Report No. 1654.

<sup>9</sup> First session Fifty-sixth Congress, Report No. 1429.

<sup>10</sup> First session Fiftieth Congress, Report No. 3265.

<sup>11</sup> Second session Fifty-fifth Congress, Report No. 218.

<sup>12</sup> Second session Fifty-fifth Congress, Report No. 351.

<sup>13</sup> Second session Fifty-eighth Congress, Report No. 2581.

<sup>14</sup> Second session Fifty-second Congress, Report No. 2323.

<sup>15</sup> Second session Fifty-third Congress, Report No. 195.

<sup>16</sup> Second session Forty-ninth Congress, Report No. 4014.

In 1890,<sup>1</sup> a bill prohibiting the granting of liquor licenses within one mile of Soldiers' Home.

In 1907,<sup>2</sup> a bill prohibiting the sale of intoxicating liquors to minors by unlicensed persons.<sup>3</sup>

**4282. Bills for the protection of fish and game within the District of Columbia have been reported by the Committee for the District of Columbia.**—The Committee for the District of Columbia reported in 1892<sup>4</sup> and 1898<sup>5</sup> bills for the protection of fish in the District of Columbia;<sup>6</sup> and in 1901<sup>7</sup> the bill (H. R. 11881) “for the protection of birds, preservation of game, and for the prevention of its sale during certain close seasons in the District of Columbia;” also in 1906<sup>8</sup> a bill relating to game.

**4283. Bills relating to holidays in the District have been reported by the Committee for the District of Columbia.**—The Committee for the District of Columbia has reported:

In 1888,<sup>9</sup> the bill (H. R. 8843) making inauguration day a legal holiday.

In 1892,<sup>10</sup> a bill relating to holidays in the District.

**4284. Subjects relating to the health of the District, sanitary and quarantine regulations, etc., have been within the jurisdiction of the Committee for the District of Columbia.**—The Committee for the District of Columbia has reported:

In 1897,<sup>11</sup> a bill to prevent the spread of contagious diseases in the District of Columbia.

In 1895,<sup>12</sup> on sanitary and quarantine regulations for the District.

**4285. The Government Hospital for the Insane and Congressional Cemetery have been within the jurisdiction of the Committee for the District of Columbia.**—The Committee for the District of Columbia has exercised legislative jurisdiction as to the Government Hospital for the Insane,<sup>13</sup> and the Congressional Cemetery.<sup>14</sup>

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<sup>1</sup> First session Fifty-first Congress, Report No. 3048.

<sup>2</sup> Second session Fifty-ninth Congress, Report No. 6213.

<sup>3</sup> While the jurisdiction of bills relating to the traffic in intoxicating liquors in the District of Columbia is with the Committee for the District of Columbia, there have been variations from this in the past. Thus, in 1888 (first session Fiftieth Congress, Record, pp. 1117, 1118) four such bills were taken from the Committee for the District of Columbia by the House and referred to the Committee on Alcoholic Liquor Traffic. And in 1891 (second session Fifty-first Congress, Report No. 3509), and even as late as 1896 (first session Fifty-fourth Congress, Report No. 1813) stray bills of this class were reported from the Committee on Alcoholic Liquor Traffic.

<sup>4</sup> First session Fifty-second Congress, Record, p. 4172.

<sup>5</sup> Second session Fifty-fifth Congress, Report No. 143.

<sup>6</sup> See, however, section 4147 of this volume.

<sup>7</sup> Second session Fifty-second Congress, Report No. 2280.

<sup>8</sup> First session Fifty-ninth Congress, Report No. 4207.

<sup>9</sup> First session Fiftieth Congress, Report No. 1797.

<sup>10</sup> Second session Fifty-second Congress, Report No. 2324.

<sup>11</sup> Second session Fifty-fourth Congress, Report No. 2524.

<sup>12</sup> Third session Fifty-third Congress, Report No. 1944.

<sup>13</sup> First session Fifty-seventh Congress, Report, No. 494.

<sup>14</sup> Second session Fifty-first Congress, Report No. 3645; second session Fifty-fifth Congress, Report No. 413; first session Fifty-ninth Congress, Report No. 2223.

**4286. Harbor regulations for the District and the bridge over the Eastern Branch have been within the jurisdiction of the Committee for the District of Columbia.**—The Committee for the District of Columbia reported, in 1894<sup>1</sup> and 1896,<sup>2</sup> on the subject of harbor regulations in the District, and in 1886,<sup>3</sup> 1888,<sup>4</sup> and 1906,<sup>5</sup> on bills relating to the construction of a bridge across the Eastern Branch of the Potomac.

**4287. Bills for framing a municipal code and amending the criminal laws and corporations laws in the District have been within the jurisdiction of the Committee for the District of Columbia.**—On January 11, 1882,<sup>6</sup> the Committee for the District of Columbia reported the bill (H. R. 1295) to establish a municipal code for the District of Columbia; and in 1891,<sup>7</sup> 1900,<sup>8</sup> and 1902<sup>9</sup> on the subject of this code. In 1898<sup>10</sup> the committee reported the bill (H. R. 8064) to amend the criminal laws of the District.

Also in 1889<sup>11</sup> and 1891<sup>12</sup> the Committee for the District of Columbia reported bills relating to the incorporation laws of the District.

**4288. The Committee for the District of Columbia has reported bills for the incorporation of organizations and societies.**—The Committee for the District of Columbia has reported bills creating corporations such as would have their location in the District of Columbia, as the National Congress of Mothers,<sup>13</sup> National Society of Daughters of 1812, and National White Cross of America,<sup>14</sup> Daughters of the American Revolution,<sup>15</sup> National Society Sons of the American Revolution,<sup>16</sup> General Federation of Women's Clubs,<sup>17</sup> etc.<sup>18</sup>

**4289. The Committee for the District of Columbia has exercised jurisdiction as to bills relating to executors, administrators, wills, and divorce in the District.**—The Committee for the District of Columbia has reported:

In 1886,<sup>19</sup> the bill (H. R. 2373) to allow foreign executors and administrators to sue in the District of Columbia.

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<sup>1</sup> Second session Fifty-third Congress, Report No. 563.

<sup>2</sup> First session Fifty-fourth Congress, Report No. 1578.

<sup>3</sup> First session Forty-ninth Congress, Report No. 2703.

<sup>4</sup> First session Fiftieth Congress, Report No. 1807; also first session Fifty-first Congress, Report No. 2841.

<sup>5</sup> First session Fifty-ninth Congress, Report No. 1119.

<sup>6</sup> First session Forty-seventh Congress, Report No. 8.

<sup>7</sup> Second session Fifty-first Congress, Report No. 3491.

<sup>8</sup> First session Fifty-sixth Congress, Report No. 1017.

<sup>9</sup> First session Fifty-seventh Congress, Report No. 2192.

<sup>10</sup> Second session Fifty-fifth Congress, Report No. 555.

<sup>11</sup> Second session Fiftieth Congress, Report No. 3921.

<sup>12</sup> Second session Fifty-first Congress Report No. 3740.

<sup>13</sup> Second session Fifty-fifth Congress, Report No. 1531.

<sup>14</sup> First session Fifty-sixth Congress, Reports Nos. 1019, 1441.

<sup>15</sup> Second session Fifty-seventh Congress, Report No. 3845.

<sup>16</sup> First session Fifty-ninth Congress, Report No. 1635.

<sup>17</sup> Second session Fifty-eighth Congress, Report No. 2862.

<sup>18</sup> In 1892 (first session Fifty-second Congress, Report No. 256) and 1896 (first session Fifty-fourth Congress, Reports Nos. 179, 5365) the Committee on the Library reported bills incorporating the National Society of the Daughters of the American Revolution and the National Society of Colonial Dames.

<sup>19</sup> First session Forty-ninth Congress, Report No. 2373.



In 1888,<sup>1</sup> the bill (H. R. 1514) relating to the record of wills in the District. In 1901,<sup>2</sup> the bill (H. R. 12331) to amend the act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate.<sup>3</sup>

In 1904<sup>4</sup> as to divorce proceedings in the District.

**4290. The Committee for the District of Columbia has exercised jurisdiction as to the police and juvenile courts and justices of peace in the District.**—The Committee for the District of Columbia has exercised jurisdiction of legislation relating to the juvenile court<sup>5</sup> and the police court<sup>6</sup> of the District, and in 1906<sup>7</sup> reported on the subject of the justices of the peace, although in 1893<sup>8</sup> and 1895<sup>9</sup> the Judiciary Committee had exercised jurisdiction over bills relating to those officers.

**4291. The jurisdiction of the Committee for the District of Columbia as to matters affecting the higher courts of the District has been exceptional rather than general.**—The jurisdiction of the Committee for the District of Columbia over the District courts higher than the juvenile and police court has not been extensive, and such cases as have occurred seem exceptions to the rule that gives the general jurisdictions as to the courts to the Judiciary Committee.

In 1887<sup>10</sup> and 1891<sup>11</sup> the Committee for the District of Columbia reported bills relating to the reporter for the supreme court of the District, and even a bill for the regulation of the court itself; but in 1880<sup>12</sup> the Committee on the Judiciary had jurisdiction of the bill (H. R. 1809) to enable the courts to take cognizance of a case in which a citizen of the District of Columbia is a party.

Committee for the District of Columbia reported, in 1889,<sup>13</sup> the bill (H. R. 12292) to amend the statutes relating to the jury law of the District.

And in 1898,<sup>14</sup> the bill (H. R. 7541) to require the marshal of the District to execute certain writs.

**4292. Bills for preserving public order, etc., within the District at times of inaugurations have been reported by the Committee for the District of Columbia.**—The Committee for the District of Columbia has exercised

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<sup>1</sup> First session Fiftieth Congress, Report No. 1805.

<sup>2</sup> Second session Fifty-sixth Congress, Report No. 2748.

<sup>3</sup> But in 1891 (second session Fifty-first Congress, Record, p. 445) the Committee on the Judiciary reported as to acknowledgment of wills in the District of Columbia.

<sup>4</sup> Second session Fifty-eighth Congress, Report No. 2085.

<sup>5</sup> First session Fifty-ninth Congress, Report No. 2169.

<sup>6</sup> First session Forty-ninth Congress, Report No. 2301; second session Fiftieth Congress, Report No. 3919.

<sup>7</sup> First session Fifty-ninth Congress, Report No. 236.

<sup>8</sup> Second session Fifty-second Congress, Reports Nos. 2389, 2490.

<sup>9</sup> Third session Fifty-third Congress, Report No. 1744.

<sup>10</sup> Second session Forty-ninth Congress, Reports Nos. 3792, 3819.

<sup>11</sup> Second session Fifty-first Congress, Reports Nos. 3324, 3837.

<sup>12</sup> First session Fiftieth Congress, Report No. 129.

<sup>13</sup> Second session Fiftieth Congress, Report No. 3794.

<sup>14</sup> Second session Fifty-fifth Congress, Report No. 341.

jurisdiction over certain legislation relating to the ceremonies of inauguration, reporting:

In 1885<sup>1</sup> and 1892,<sup>2</sup> bills relating to inauguration day and inauguration police.

In 1889,<sup>3</sup> the bill (S. 3869) to secure the maintenance of public order during the inauguration.

In 1901,<sup>4</sup> the resolution (H. Res. 287) authorizing the use of certain reservations or public spaces in the city of Washington for the purposes of the inauguration.

**4293. The creation and history of the Committee on Revision of the Laws, section 35 of Rule XI**

**The rule gives to the Committee on Revision of the Laws jurisdiction of subjects relating “to the revision and codification of the statutes of the United States.”**

Section 35 of Rule XI provides for the reference of subjects relating—

to the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws.

The committee consists of thirteen Members.

It dates from July 25, 1868. In reporting the resolution for its establishment<sup>5</sup> Mr. Elihu B. Washburne, of Illinois, explained that the new committee was intended to take the place of the old standing committee “on Revisal and Unfinished Business,” which had existed since the early days<sup>6</sup> and had become obsolete, while the Select Committee on Revision of the Laws had become of importance sufficient to warrant establishing it as a standing committee.

At first there was no rule defining the jurisdiction of the committee. The present form of the rule dates from 1880.<sup>7</sup>

**4294. Examples of jurisdiction of the Committee on Revision of the Laws over bills embodying codifications.**<sup>8</sup>—The Committee on Revision of the Laws has exercised a general jurisdiction over bills revising the laws, and has reported:

In 1900,<sup>9</sup> on the following subjects: The bill (S. 3419) providing a civil code for Alaska; the bill (H. R. 7844) providing for the revision and codification of the general and permanent laws of the United States.

In 1894<sup>10</sup> and 1896,<sup>11</sup> on codification of pension laws; also in 1894 and in 1896,<sup>12</sup> on the revision and codification of the statute laws of the United States.

<sup>1</sup> Second session Forty-eighth Congress, Record, pp. 328, 348, 1146.

<sup>2</sup> Second session Fifty-second Congress, Report No. 2258.

<sup>3</sup> Second session Fiftieth Congress, Report No. 3920.

<sup>4</sup> Second session Fifty-sixth Congress, Report No. 2211.

<sup>5</sup> Second session Fortieth Congress, Globe, p. 4495.

<sup>6</sup> The Committee on Revisal and Unfinished Business was established in 1795, and was especially useful in the early years when business unfinished fell with the end of a session.

<sup>7</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>8</sup> The Committee on the Post-Office and Post-Roads reported a bill codifying the postal laws (see section 4192 of this volume), and the Committee for the District of Columbia has reported bills relating to the municipal code of Washington city. (See Section 4287 of this volume).

<sup>9</sup> First session Fifty-sixth Congress, Reports Nos. 1153, 1502.

<sup>10</sup> Second session Fifty-third Congress, Report No. 866.

<sup>11</sup> First session Fifty-fourth Congress, Report No. 219.

<sup>12</sup> First session Fifty-fourth Congress, Report No. 392.

In 1893,<sup>1</sup> on revision of the criminal and penal laws.

In 1901,<sup>2</sup> the code of civil government for Alaska.

**4295. In exceptional cases the Committee on Revision of the Laws has exercised jurisdiction over bills embodying changes of law rather than revisions or codifications.**—On December 6, 1882,<sup>3</sup> the resolutions distributing the President's message provided that the Committee on Revision of the Laws should have jurisdiction of subjects relating to:

The transfer of the Light-House Service, the Coast Survey, and the Revenue Marine Service as now organized from the Treasury Department to the Navy Department.

The Committee on Revision of the Laws has also reported:

In 1892,<sup>4</sup> a proposition to establish the office of Congressional correspondence and Department business; a bill amending the laws relating to contracts for Government supplies; and a bill to continue publication of the Revised Statutes.<sup>5</sup>

In 1888,<sup>6</sup> on the following subjects: Alien land ownership; clerks for Members of Congress; for punishing those setting fires to wood and grass on the public lands.

In 1892<sup>7</sup> on the franking privilege to commissioners of United States courts.

**4296. Creation and history of the Committee on Reform in the Civil Service.**

**The rule gives to the Committee on Reform in the Civil Service jurisdiction of subjects relating "to reform in the civil service."**

Section 36 of Rule XI provides for the reference of subjects relating—

to reform the civil service: to the Committee on Reform in the Civil Service.

This committee consists of thirteen Members.

It was made a standing committee on August 18, 1893,<sup>8</sup> having been a select committee prior to that date.

**4297. The Committee on Reform in the Civil Service has exercised a general jurisdiction over bills relating to the status of officers, clerks, and employees in the civil branches of the Government.**—The Committee on Reform in the Civil Service has exercised a general jurisdiction over projects of legislation relating to the officers, clerks, and employees in the civil branches of the Government, having reported:

In 1896,<sup>9</sup> 1899,<sup>10</sup> and 1900,<sup>11</sup> bills giving preference to soldiers, sailors, and marines in civil-service appointments.

<sup>1</sup> Second session Fifty-seventh Congress, Report No. 3679; and also second session Fifty-eighth Congress, Report No. 225.

<sup>2</sup> Second session Fifty-sixth Congress, Report No. 2854.

<sup>3</sup> Second session Forty-seventh Congress, Journal, p. 41; Record, p. 56.

<sup>4</sup> First session Fifty-second Congress, Report No. 479, 1417, 1955.

<sup>5</sup> On May 13, 1879 (first session Forty-sixth Congress, Record, pp. 1301, 1302), a discussion occurred as to the respective jurisdictions of the Committees on Revision of the Laws and Judiciary.

<sup>6</sup> First session Fiftieth Congress, Reports Nos. 1454, 1455, 1481.

<sup>7</sup> First session Fifty-second Congress, Report No. 696.

<sup>8</sup> First session Fifty-third Congress, Journal, p. 13; Record, pp. 477, 478.

<sup>9</sup> First session Fifty-fourth Congress, Report No. 517.

<sup>10</sup> Third session Fifty-fifth Congress, Report No. 2056.

<sup>11</sup> First session Fifty-sixth Congress, Report No. 6784.

In 1884<sup>1</sup> and 1887<sup>2</sup> bills to repeal the tenure of office act; and in 1888<sup>3</sup> the bill (H. R. 1571) fixing a tenure of office of four years for certain Government officials.

In 1892,<sup>4</sup> a bill to regulate the appointment of fourth-class postmasters; and a bill to exclude political influence in the appointment of laborers.

In 1896,<sup>5</sup> a bill relating to deposit of the revenues by officers receiving them.

In 1888,<sup>6</sup> the bill (H. R. 1787) relating to the apportionment of appointments in the civil service among the several States on the basis of population; and the bill (H. R. 1884) to establish a retired list for persons employed in the civil service.<sup>7</sup>

In 1886,<sup>8</sup> the bill (H. R. 6855) to secure an equitable classification<sup>9</sup> and compensation of certain officers of the United States.

**4298. Matters relating to the Civil Service Commission and alleged violations of the law have been reported by the Committee on Reform in the Civil Service.**—The Committee on Reform in the Civil Service has reported on the following subjects:

In 1886,<sup>10</sup> on the investigation of certain employees of the House alleged to have attempted to influence legislation.

In 1892,<sup>11</sup> on violations of the civil-service law in Alabama, and on the investigation of the Baltimore post-office.

In 1890,<sup>12</sup> on an investigation of the Civil Service Commission.

In 1893,<sup>13</sup> on certain reinstated employees.

In 1896,<sup>14</sup> on a bill relating to delinquent officials.

In 1905,<sup>15</sup> on the dismissal of letter carriers.

**4299. The creation and history of the Committee on the Election of President, Vice-President, and Representatives in Congress, section 37 of Rule XI.**

**The rule gives to the Committee on Election of President, Vice-President, and Representatives in Congress jurisdiction of subjects relating to the election of the officials enumerated in the designation.**

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<sup>1</sup> First session Forty-eighth Congress, Report No. 1955.

<sup>2</sup> Second session Forty-ninth Congress, Report No. 3539.

<sup>3</sup> First session Fiftieth Congress, Report No. 807.

<sup>4</sup> First session Fifty-second Congress, Reports Nos. 821, 1403.

<sup>5</sup> First session Fifty-fourth Congress, Report No. 385.

<sup>6</sup> First session Fiftieth Congress, Reports Nos. 328, 329, 1457.

<sup>7</sup> Also in 1903 and 1904 this committee reported bills relating to retirement and superannuation. Second session Fifty-seventh Congress, Reports Nos. 2753–2760; and second session Fifty-eighth Congress, Report No. 2750.

<sup>8</sup> First session Forty-ninth Congress, Report No. 1303.

<sup>9</sup> Also in 1904 on reclassification of employees in the civil service. (Second session Fifty-eighth Congress, Report No. 2751.)

<sup>10</sup> First session Forty-ninth Congress, Report No. 2337.

<sup>11</sup> First session Fifty-second Congress, Reports Nos. 1669, 1747.

<sup>12</sup> First session Fifty-first Congress, Report No. 2445.

<sup>13</sup> Second session Fifty-second Congress, Report No. 2408.

<sup>14</sup> First session Fifty-fourth Congress, Report No. 386.

<sup>15</sup> Third session Fifty-eighth Congress, Report No. 3540.

Section 37 of Rule XI provides for the reference of subjects relating—to the election of the President, Vice-President, or Representatives in Congress: to the Committee on election of President, Vice-President, and Representatives in Congress.

This committee consists of thirteen Members.

It was made a standing committee on August 18, 1893,<sup>1</sup> having been a select committee prior to that date.

**4300. The Committee on Election of President, Vice-President, and Representatives in Congress has reported proposed constitutional amendments providing for election of Senators by the people and the disqualification of polygamists as Representatives.**—The Committee on Election of President, Vice-President, and Representatives in Congress reported in 1892,<sup>2</sup> 1896,<sup>3</sup> 1898,<sup>4</sup> and 1900<sup>5</sup> on joint resolutions proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people.<sup>6</sup>

This committee also reported in 1899<sup>7</sup> and 1900<sup>8</sup> joint resolutions proposing amendments to the Constitution prohibiting polygamy within the United States, and disqualifying polygamists for election as Senators or Representatives in Congress.

**4301. The Committee on Election of President, Vice-President, and Representatives in Congress has reported bills relating to the national election laws and the enforcement thereof.**—The standing Committee on Election of President, Vice-President, and Representatives in Congress dates from 1893, but before that date select committees exercised jurisdiction and reported:

In 1888,<sup>9</sup> the bill (H. R. 6672) defining the necessary and proper expenses incident to the nomination and election or appointment of Senators and Representatives, and authorizing the payment thereof.

In 1890,<sup>10</sup> the bill (H. R. 7712) “to regulate in part the time and manner of holding elections of Representatives in Congress, and for other purposes;” and the bill (H. R. 11045) “to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws and for other purposes.”<sup>11</sup>

In 1893,<sup>12</sup> the bill (H. R. 2331) to repeal the Federal election laws, including those relating, to the duties of United States deputy marshals.<sup>13</sup>

<sup>1</sup> First session Fifty-third Congress, Record, pp. 477, 478; Journal, p. 13.

<sup>2</sup> First session Fifty-second Congress, Report No. 368.

<sup>3</sup> First session Fifty-fourth Congress, Report No. 994.

<sup>4</sup> Second session Fifty-fifth Congress, Report No. 125.

<sup>5</sup> First session Fifty-sixth Congress, Report No. 88.

<sup>6</sup> In 1888 (first session Fiftieth Congress, Report No. 1456) the Committee on Revision of the Laws reported a resolution of this nature.

<sup>7</sup> Third session Fifty-fifth Congress, Report No. 2307.

<sup>8</sup> First session Fifty-sixth Congress, Report No. 348.

<sup>9</sup> First session Fiftieth Congress, Report No. 1786. But in 1882 (first session, Forty-seventh Congress, Report No. 912) the Committee on the Judiciary reported the bill (H. R. 5352) in relation to elections in West Virginia.

<sup>10</sup> First session Fifty-first Congress, Reports Nos. 1882, 2493.

<sup>11</sup> But at this time the Committee on the Judiciary reported as to the subject of abridgment of the suffrage under the fourteenth amendment. (Second session Fifty-first Congress, Report No. 4009.)

<sup>12</sup> First session Fifty-third Congress, Report No. 18; also second session Fifty-second Congress, Report No. 2310.

<sup>13</sup> The Committee on the Judiciary also reported a bill relating to the deputy marshals. (First session Fifty-third Congress, Report No. 14.)

In 1898,<sup>1</sup> the bill (H. R. 10550) providing for the voting of soldiers at Congressional elections.

In 1899,<sup>2</sup> the bill (H. R. 11356) to permit the use of voting machines at elections of Representatives in Congress.<sup>3</sup>

In 1906,<sup>4</sup> on bills relating to frauds in elections, publicity of election expenses, and election and terms of Representatives in Congress.

**4302. Proposed changes of the Constitution as to the term of Congress and the President and the time of annual meeting of Congress have been considered by the Committee on Election of President, Vice-President, and Representatives in Congress.**—The standing Committee on Election of President, Vice-President, and Representatives in Congress, and the select committees which preceded it, have reported:

In 1888,<sup>5</sup> the resolution (H. Res. 33) proposing an amendment to the Constitution fixing the terms of Members of the House, and the date for the holding of the annual meeting of Congress; also on a proposed amendment changing the time for the commencement and limitation of the terms of the President, Vice-President, and Members of Congress.

In 1892,<sup>6</sup> on the subject of the terms of Congress and of the President.

In 1894,<sup>7</sup> on the bill (H. R. 6938) “to appoint the first Tuesday after the fourth day of March for the first annual meeting of Congress and the first Monday after the first day of January as the day for the second annual meeting.

In 1898,<sup>8</sup> the joint resolution (H. Res. 6) proposing an amendment to the Constitution making the term of Members of the House of Representatives four years.

**4303. Changes in the law regarding the electoral count and resolutions regulating the actual count by the House and Senate are within the jurisdiction of the Committee on Election of President, Vice-president, and Representatives in Congress.**—Before the creation of the present standing Committee on Election of President, Vice-President, and Representatives in Congress, on December 6, 1882,<sup>9</sup> the resolutions distributing the President’s message gave to the Select Committee on Laws Respecting the Election of President and Vice-President “so much as relates to legislation in reference to counting and declaring the vote for President and Vice-President of the United States.”

The select committee also reported:

In 1884,<sup>10</sup> the bill (S. 25) to provide for the meeting of the electors of President and Vice-President, the counting of the electoral vote, etc.

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<sup>1</sup> Second session Fifty-fifth Congress, Report No. 1502.

<sup>2</sup> Third session Fifty-fifth Congress, Report No. 1816.

<sup>3</sup> The Committee on the Judiciary reported in 1893 a bill fixing the qualification of voters in Cherokee Outlet, in Oklahoma. (First session Fifty-third Congress, Report No. 91.)

<sup>4</sup> First session Fifty-ninth Congress, Reports Nos. 3165, 3927, 5082.

<sup>5</sup> First session Fiftieth Congress, Reports Nos. 219, 841.

<sup>6</sup> First session Fifty-second Congress, Report No. 543.

<sup>7</sup> Second session Fifty-third Congress, Report No. 889.

<sup>8</sup> Second session Fifty-fifth Congress, Report No. 706.

<sup>9</sup> Second session Forty-seventh Congress, Journal, p. 41 Record, p. 56.

<sup>10</sup> First session Forty-eighth Congress, Report No. 1117.

In 1886,<sup>1</sup> the bill (S. 9) regulating the electoral count.

After the creation of the standing committee it reported:

In 1897<sup>2</sup> and 1898,<sup>3</sup> bills relating to a change in the mode of transmission of votes of electors for President and Vice-President from the several States of the Union to the seat of Government.

In 1897,<sup>4</sup> a resolution relating to the electoral vote of South Carolina and the abridgment of the political rights of a portion of the citizens of that State.

In 1885<sup>5</sup> and 1889,<sup>6</sup> the select committees reported the concurrent resolution providing for the count of the electoral vote in the presence of the two Houses; and in 1893<sup>7</sup> the standing committee reported a similar resolution. In 1897<sup>8</sup> and 1901<sup>9</sup> this resolution was reported by the Committee on Rules; but in 1905<sup>10</sup> the jurisdiction was returned to the Committee on Election of President, Vice-President, and Representatives in Congress.

**4304. Subjects relating to the succession of the office of President in case of his death, disability, etc., have been within the jurisdiction of the Committee on Election of President, Vice-President, and Representatives in Congress.**—In 1882,<sup>11</sup> before the creation of the standing Committee on the Election of President, Vice-President, and Representatives in Congress, the resolutions distributing the President's message referred to the Select Committee on Laws Respecting the Election of President and Vice-President so much as related "to the intendment of the Constitution in its provisions for devolving Executive functions upon the Vice-President in the event of disability of the President."

In 1884,<sup>12</sup> the select committee which preceded the present standing committee reported the bill (S. 22) providing for the performance of the duties of President and Vice-President in case of removal, death, or resignation.

In 1886,<sup>13</sup> the same select committee reported the bill (S. 471) changing the law in regard to the succession to the Presidential office, and the bill (H. R. 61) proposing an amendment to the Constitution relating to the creation of the office of Second Vice-President.

In 1895<sup>14</sup> the standing committee reported on the resolution (H. Res. 249) proposing an amendment to the Constitution making the President ineligible to succeed himself.

<sup>1</sup> First session Forty-ninth Congress, Report No. 1638.

<sup>2</sup> Second session Fifty-fourth Congress, Report No. 3044.

<sup>3</sup> Second session Fifty-fifth Congress, Report No. 145.

<sup>4</sup> Second session Fifty-fourth Congress, Report No. 3065.

<sup>5</sup> Second session Forty-eighth Congress, Record, pp. 1037, 1053.

<sup>6</sup> Second session Fiftieth Congress, Record, p. 1254.

<sup>7</sup> Second session Fifty-second Congress, Record, p. 642.

<sup>8</sup> Second session Fifty-fourth Congress, Record, p. 1462.

<sup>9</sup> Second session Fifty-sixth Congress, Record, p. 1736.

<sup>10</sup> Third session Fifty-eighth Congress, Record, p. 918.

<sup>11</sup> Second session Forty-seventh Congress, Journal, p. 41; Record, p. 56.

<sup>12</sup> First session Forty-eighth Congress, Report No. 1323.

<sup>13</sup> First session Forty-ninth Congress, Reports Nos. 26, 2493.

<sup>14</sup> Third session Fifty-third Congress, Report No. 1658.

**4305. The creation and history of the Committee on Alcoholic Liquor Traffic, section 38 of Rule XI.**

**The rule gives to the Committee on Alcoholic Liquor Traffic jurisdiction of subjects relating “to alcoholic liquor traffic.”**

Section 38 of Rule XI provides for the reference of subjects relating—to alcoholic liquor traffic; to the Committee on Alcoholic Liquor Traffic.

This committee consists of 11 Members.

It was made a standing committee on August 18, 1893,<sup>1</sup> having been a select committee from May 16, 1879,<sup>2</sup> when it was created on motion of Mr. William P. Frye, of Maine.

**4306. Illustrations of the jurisdiction of the Committee on Alcoholic Liquor Traffic.**—The Committee on Alcoholic Liquor Traffic has reported bills as follows:

On February 17, 1885,<sup>3</sup> the bill (H. R. 2693) to regulate the manufacture and sale of intoxicating liquors in the Territories.

In 1898<sup>4</sup> the Committee on Alcoholic Liquor Traffic reported the bill (H. R. 7937) to prevent the sale of intoxicating liquors on reservations and in buildings controlled by the United States.

In 1896,<sup>5</sup> a bill to provide for a commission on the subject of the alcoholic liquor traffic.

In 1901<sup>6</sup> and 1902,<sup>7</sup> bills relating to the sale of firearms, opium, and intoxicants to native races in the South Sea Islands.

In 1890,<sup>8</sup> the bill (H. R. 5978) to prohibit the transportation of intoxicating liquors into any State or Territory in violation of law; but this jurisdiction does not accord with the later practice of the House, which has referred bills relating to the interstate commerce features of the liquor traffic to the Committee on the Judiciary.<sup>9</sup>

On February 10, 1888,<sup>10</sup> in the House Mr. James E. Campbell, of Ohio, moved that the Committee on Alcoholic Liquor Traffic be discharged from the consideration of a bill relating to special taxes on liquor dealers under the internal-revenue laws and that the bill be referred to the Committee on Ways and Means. This motion was agreed to, ayes 95, noes 46.

**4307. The creation and history of the Committee on Irrigation of Arid Lands, section 39 of Rule XI.**

**The rule gives to the Committee on Irrigation of Arid Lands jurisdiction of subjects relating “to the irrigation of Arid lands.”**

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<sup>1</sup> First session Fifty-third Congress, Journal, p. 13, Record, pp. 477, 478.

<sup>2</sup> First session Forty-sixth Congress, Record, p. 1394 Journal, p. 314.

<sup>3</sup> Second session Forty-eighth Congress, Report No. 2586.

<sup>4</sup> Second session Fifty-fifth Congress, Report No. 1629.

<sup>5</sup> First session Fifty-fourth Congress, Report No. 1789.

<sup>6</sup> Second session Fifty-sixth Congress, Report No. 2887.

<sup>7</sup> First session Fifty-seventh Congress, Report No. 261.

<sup>8</sup> First session Fifty-first Congress, Report No. 1697.

<sup>9</sup> See section 4061 of this work.

<sup>10</sup> First session Fiftieth Congress, Record, p. 1118.



Section 39 of Rule XI provides for the reference of subjects relating—to the irrigation of arid lands; to the Committee on Irrigation of Arid Lands.

This committee consists of twelve Members.

It was made a standing committee on August 18, 1893,<sup>1</sup> having been a select committee prior to that date.

**4308. Examples of the general jurisdiction of the Committee on Irrigation of Arid Lands.**—The Committee on Irrigation of Arid Lands reported in 1902<sup>2</sup> the bill “appropriating the receipts from the disposal and sale of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands” and also has reported:

In 1904,<sup>3</sup> on the use of earth, stone, and timber on forest reservations and public lands for irrigation works.

In 1905,<sup>4</sup> on dams across the Yellowstone River, and on the reclamation fund.

**4309. The creation and history of the Committee on Immigration and Naturalization, section 40 of Rule XI.**

**The rule gives to the Committee on Immigration and Naturalization jurisdiction of subjects relating “to immigration or naturalization.”**

Section 40 of Rule XI provides for the reference of subjects relating—to immigration or naturalization; to the Committee on Immigration and Naturalization.

This committee consists of fourteen Members.

It was made a standing committee on August 18, 1893,<sup>1</sup> having been a select committee prior to that date.

**4310. The Committee on Immigration and Naturalization exercises a general but not exclusive jurisdiction over the subject of immigration and has reported bills relating to contract labor.**—The Committee on Immigration and Naturalization, since its establishment as a standing committee in 1893, and before that as a special committee, has exercised generally jurisdiction over the subject of immigration, although there are a few notable exceptions.<sup>5</sup> Measures reported by the Committee on Immigration and Naturalization have been:

In 1906,<sup>6</sup> the general revision of the immigration laws.

In 1891,<sup>7</sup> on the immigration laws.

<sup>1</sup> First session Fifty-third Congress, Record, pp. 477, 478; Journal, p. 13.

<sup>2</sup> First session Fifty-seventh Congress, Report No. 794; 32 Stat. L., p. 388.

<sup>3</sup> Second session Fifty-eighth Congress, Report No. 2584.

<sup>4</sup> Third session Fifty-eighth Congress, Reports Nos. 4833, 48314.

<sup>5</sup> In 1892 (Fifty-first session Fifty-second Congress, Report No. 255) and in 1891 (second session Fifty-first Congress, Report No. 4048) this committee reported on the subject of Chinese immigration; but in 1882 (second session Forty-seventh Congress, Journal, p. 40; Record, p. 56) the House in distributing the President's message referred to the Judiciary Committee “the construction of the law restricting immigration of laborers from China;” and the broad question of Chinese immigration has long rested with the Committee on Foreign Affairs (See sec. 4172 of this volume). The Judiciary Committee also reported in 1894 (second session Fifty-third Congress, Report No. 1460) on exclusion and deportation of alien anarchists, and the same year on inspection of immigrants by consuls (Report No. 416).

<sup>6</sup> First session Fifty-ninth Congress, Reports Nos. 3021, 3635, 4558, 4912.

<sup>7</sup> Second session Fifty-first Congress, Reports Nos. 3472, 3807.

In 1892,<sup>1</sup> on the immigration and contract labor laws.

In 1893,<sup>2</sup> on immigration laws.

In 1894,<sup>3</sup> the bill (H. R. 7415) for the protection of American labor and to establish additional regulations concerning immigration to the United States.

**4311. In the later practice the Committee on Immigration and Naturalization has confirmed its jurisdiction over the subject of naturalization.**—The Committee on Immigration and Naturalization, which has been a standing committee since 1893, has established its claim to jurisdiction over the subject of naturalization, having in 1906<sup>4</sup> reported important legislation on that subject; but up to 1893 the Committee on the Judiciary exercised a general and frequent jurisdiction over this subject, reporting general bills relating to naturalization<sup>5</sup> 1 and even in 1894,<sup>6</sup> on naturalization of Japanese. The Judiciary Committee also reported in 1886,<sup>7</sup> 1888,<sup>8</sup> and 1890<sup>9</sup> on bills relating to the ownership of lands within the United States by aliens.

**4312. Authorizations for sites and buildings for immigrant stations are within the jurisdiction of the Committee on Immigration and Naturalization.**—The Committee on Immigration and Naturalization has jurisdiction over the authorizations of immigrant stations at the ports of the United States, and the construction of buildings therefor; and has reported:

In 1891,<sup>10</sup> on the immigrant depot at New York.

In 1906,<sup>11</sup> the bill (H. R. 19468) to increase the limit of cost of the construction of the immigrant station at Angel Island, in the harbor of San Francisco, Cal.

In 1907,<sup>12</sup> bills providing for the establishment of immigrant stations, the selection of sites and the erection of buildings thereon, at Galveston, Charleston, and New Orleans.

**4313. The creation and history of the Committee on Ventilation and Acoustics, section 41 of Rule XI.**

**The rule gives to the Committee on Ventilation and Acoustics jurisdiction of subjects relating “to ventilation and acoustics.”**

Section 41 of Rule XI provides for the reference of subjects relating—to ventilation and acoustics; to the Committee on Ventilation and Acoustics.

This committee consists of seven Members.

<sup>1</sup> First session Fifty-second Congress, Report No. 1573. See, however, the jurisdiction of the Labor Committee as to contract labor legislation. (See sec. 4249 of this volume.)

<sup>2</sup> Second session Fifty-second Congress, Reports Nos. 2197, 2206, 2542.

<sup>3</sup> First session Fifty-fourth Congress, Report No. 1597.

<sup>4</sup> First session Fifty-ninth Congress, Reports Nos. 1789, 3632.

<sup>5</sup> First session Forty-eighth Congress, Report No. 1030; first session Forty-ninth Congress, Report No. 731; second session Fiftieth Congress, Report No. 4145; second session Fifty-second Congress, Report No. 2180; first session Fifty-third Congress, Report No. 139.

<sup>6</sup> Second session Fifty-third Congress, Report No. 1385.

<sup>7</sup> First session Forty-ninth Congress, Report No. 1951.

<sup>8</sup> First session Fiftieth Congress, Report No. 255.

<sup>9</sup> First session Fifty-first Congress, Report No. 2388.

<sup>10</sup> Second session Fifty-first Congress, Report No. 3857.

<sup>11</sup> First session Fifty-ninth Congress, Report No. 4640.

<sup>12</sup> Second session Fifty-ninth Congress, Reports Nos. 8026, 8028, 8061.

It was made a standing committee on August 18, 1893,<sup>1</sup> having been a select committee prior to that date.<sup>2</sup>

**4314. Subjects relating to the Hall of the House have been considered by the Committee on Ventilation and Acoustics.**—The Committee on Ventilation and Acoustics reported in 1891<sup>3</sup> on the enlargement of the Hall of the House; and in 1899<sup>4</sup> on a plan for remodeling of the Hall and a rearrangement of the seats therein.

**4315. Creation and history of the ten Committees on Expenditures in the Various Departments of the Government, sections 42 to 52 of Rule XI.**

The rule gives to the several Committees on Expenditures jurisdiction of the pay of officers, abolition of useless offices, and the economy and accountability of officers.

The examination of the accounts of the Departments, proper application of public moneys, enforcement of payment of money due the Government, and economy and retrenchment generally are within the jurisdiction of the several Committees on Expenditures.

There are ten Committees on Expenditures in the various Departments of the Government, provided for by sections 42 to 52 of Rule XI:

42. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several Departments, as follows:

- 43. In the Department of State; to the Committee on Expenditures in the State Department.
- 44. In the Treasury Department; to the Committee on Expenditures in the Treasury Department.
- 45. In the War Department; to the Committee on Expenditures in the War Department.
- 46. In the Navy Department; to the Committee on Expenditures in the Navy Department.
- 47. In the Post-Office Department; to the Committee on Expenditures in the Post-Office Department.
- 48. In the Interior Department; to the Committee on Expenditures in the Interior Department.
- 49. In the Department of Justice; to the Committee on Expenditures in the Department of Justice.
- 50. In the Department of Agriculture; to the Committee on Expenditures in the Department of Agriculture.
- 51. In the Department of Commerce and Labor; to the Committee on Expenditures in the Department of Commerce and Labor.
- 52. On public buildings; to the Committee on Expenditures on Public Buildings.

Each of these committees consists of seven Members.

On February 26, 1814,<sup>5</sup> Mr. John W. Eppes, of Virginia, in order to relieve the Committee on Ways and Means of some of its duties, moved the creation of a Com-

<sup>1</sup> First session Fifty-third Congress, Record, pp. 477, 478; Journal, p. 13.

<sup>2</sup> In the old Hall of the House, now Statuary Hall, the acoustics were a source of constant trouble because of the echoes, and several investigations were made, resulting in reports of considerable interest. (First session Twenty-first Congress, Reports Nos. 83 and 123.)

<sup>3</sup> Second session Fifty-first Congress, Report No. 4021.

<sup>4</sup> Third session Fifty-fifth Congress, Report No. 2206.

<sup>5</sup> Second session Thirteenth Congress, Journal, pp. 311, 314; Annals, p. 1695.

mittee on Public Expenditures. The House agreed to the motion, and made it the duty of the new committee "to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys had been disbursed conformably with such laws," and also to report measures to add to the economy of the Departments and the accountability of officers. This committee seems to have been industrious at times, at least, for on August 23, 1840,<sup>1</sup> a motion to abolish it failed, it being urged in its behalf that it entered into careful scrutiny of expenditures, even examining the furnishings of the White House. This committee was continued until the revision of the rules in 1880,<sup>2</sup> when it was dropped.

The several Committees on Expenditures, which are to be distinguished from that committee, date from March 30, 1816,<sup>3</sup> when, the spirit of inquiry being aroused by "clamors and suspicions" that had gone forth, Mr. Henry St. George Tucker, of Virginia, proposed these committees, which had been found useful in England and in Virginia. The House created them at that time, and on February 19, 1817,<sup>4</sup> when Mr. Charles H. Atherton, of New Hampshire, proposed to add to the jurisdiction of the Committee on Public Expenditures the subject of abolition of useless offices and regulation of pay of officers, the House preferred rather to add this new jurisdiction to the several expenditures committees. Long before the custom of appointing standing committees for the whole Congress instead of for a session had been established an exception was made of these committees, and they were appointed for the whole Congress.<sup>5</sup> As adopted in 1816 the rule did not include the committees for the Departments of Interior, Justice, Agriculture, and Commerce and Labor, which had not been created at that time. The committees for these Departments date, respectively, from March 16, 1860,<sup>6</sup> January 16, 1874,<sup>7</sup> December 20, 1889,<sup>8</sup> and December 11, 1905.<sup>9</sup> Although usually having little to do, these committees at times attain great importance and prominence.<sup>10</sup>

**4316. The several Expenditures Committees may make investigations with or without specific direction from the House, but authority must be obtained of the House for compelling testimony.**—The several Committees on Expenditures in the Departments of the Government, being charged by the rules with the duty of making investigations, have assumed the right to do so without further specific direction of the House. Such investigations were made in 1885<sup>11</sup> by the Committee on Expenditures in the Department of Justice and in 1893<sup>12</sup> by the Committee on Expenditures in the Department of State. As these

<sup>1</sup> First session Twenty-sixth Congress, *Globe*, p. 352.

<sup>2</sup> It appears last in the rules of first session Forty-sixth Congress, *Journal*, p. 625.

<sup>3</sup> First session Fourteenth Congress, *Journal*, p. 550; *Annals*, p. 1298.

<sup>4</sup> Second session Fourteenth Congress, *Journal*, p. 425; *Annals*, p. 996.

<sup>5</sup> Third session Twenty-seventh Congress, *Journal*, pp. 37, 742. In 1842 a Committee on Retrenchment was active. (Second session Twenty-seventh Congress, *Journal*, pp. 486, 491.)

<sup>6</sup> First session Thirty-sixth Congress, *Globe*, p. 1209.

<sup>7</sup> First session Forty-third Congress, *Record*, p. 677.

<sup>8</sup> First session Fifty-first Congress, *Record*, p. 336.

<sup>9</sup> First session Fifty-ninth Congress, *Journal*, p. 120.

<sup>10</sup> See section 2444 of Volume III of this work.

<sup>11</sup> Second session Forty-eighth Congress, Report No. 2645.

<sup>12</sup> Second session Fifty-second Congress, Report No. 2616.

committees have not the power to compel testimony except by special grant by the House, these investigations taken under authority of the rules are merely inquiries undertaken with the cooperation or acquiescence of the officers of the Departments affected. And when, in 1884,<sup>1</sup> the Committee on Expenditures in the Department of Justice proposed, in its investigation of charges against the First Comptroller of the Treasury, to go further and compel testimony, it was fortified by this resolution of the House:

*Resolved*, That the Committee on Expenditures in the Department of Justice, in making the investigation required by the rules of the House, be authorized to send for persons and papers.

In accordance with this authority the committee took testimony, which it reported to the House.<sup>2</sup>

In other cases these committees have proceeded on direction of the House that they investigate, as in investigations made by the Committee on Expenditures in the Department of Justice and by the Committee on Expenditures in the War Department in 1886,<sup>3</sup> and by the Committee on Expenditures in the Department of Agriculture in 1906.<sup>4</sup>

**4317. Legislative propositions relating to the fees and salaries of officers and employees of the Government have been considered by the various Committees on Expenditures.**—The Committees on Expenditures in the various Departments have exercised a general jurisdiction over bills relating to the salaries and compensation of officers and employees of the Government, and have reported:

In 1886,<sup>5</sup> the Committee on Expenditures in the Department of Justice the bill (H.R. 6977) abolishing the fee system and establishing salaries in the offices connected with the circuit and district courts of the United States.

In 1888,<sup>6</sup> the Committee on Expenditures in the Treasury Department on the subject of an inquiry into irregularities in the compensation of officers and employees of the Executive Departments; the Committee on Expenditures in the Interior Department on the bill (H.R. 1549) relating to fees to pension examining surgeons and the bill (H.R. 9422) relating to compensation of chiefs of division in the General Land Office; and the Committee on Expenditures in the Department of Justice on the bill (H.R. 9908) relating to the compensation of United States district attorneys, etc.

1890,<sup>7</sup> the Committee on Expenditures in the Treasury Department on the bill (H.R. 8106) to increase the pay of watchmen in the Treasury Department; the Committee on Expenditures in the Interior Department on the bill (H.R. 9283) providing increases of salaries of certain officials in the Indian Bureau; and the

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<sup>1</sup> First session Forty-eighth Congress, Journal, p. 273.

<sup>2</sup> Second session Forty-eighth Congress, Report No. 2675.

<sup>3</sup> First session Forty-ninth Congress, Reports Nos. 521, 2023.

<sup>4</sup> First session Fifty-ninth Congress, Record, pp. 5607, 6324, 6406, 6573; second session Fifty-ninth Congress, Report No. 8147.

<sup>5</sup> First session Forty-ninth Congress, Report No. 1132.

<sup>6</sup> First session Fiftieth Congress, Reports Nos. 1198, 2078, 2190, 2424.

<sup>7</sup> First session Fifty-first Congress, Reports Nos. 797, 1411, 2542.

Committee on Expenditures in the Post-Office Department on the bill (H.R. 803) to pay employees of the Post-Office Department additional compensation for extra hours of duty in the year 1885.

In 1891,<sup>1</sup> the Committee on Expenditures in the Department of Justice on the subject of the fees of court officers; and the Committee on Expenditures in the Treasury Department on the compensation in the Life-Saving Service.

In 1892,<sup>2</sup> the Committee on Expenditures in the Treasury Department on increases of salaries of the Supervising Architect and the chief clerks in his department.<sup>3</sup>

**4318. The Committees on Expenditures in the several Departments have reported bills creating and abolishing offices and employments.**—The Committee on Expenditures in the Interior Department reported:

In 1888,<sup>4</sup> the bill (H.R. 1548) increasing the medical board of the Pension Department.

In 1890,<sup>5</sup> the resolution (H. Res. 135) empowering the Secretary of the Interior to appoint six additional members of the board of pension appeals.

The Committee on Expenditures in the Treasury Department reported, in 1894,<sup>6</sup> on the subject of the discontinuance of the offices of collectors of customs at several ports.<sup>7</sup>

**4319. Bills relating to leaves of absence of officers and clerks of the Government have been considered by the several Committees on Expenditures.**—The Committees on Expenditures in the various Departments of the Government have had general jurisdiction of legislation relating to the leaves of absence of officers and clerks, reporting:

The Committee on Expenditures in the Treasury Department, in 1888,<sup>8</sup> 1890,<sup>9</sup> 1892,<sup>10</sup> and 1894,<sup>11</sup> on leaves of absence in the customs service; and, in 1892,<sup>12</sup> on leaves of absence in the Treasury Department proper.

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<sup>1</sup> Second session Fifty-first Congress, Reports Nos. 3530, 3740.

<sup>2</sup> First session Fifty-second Congress, Reports Nos. 1211, 1212.

<sup>3</sup> In very recent years these Committees on expenditures have grown inactive, and have permitted bills plainly within the jurisdiction conferred on them by the rules to be taken by some of the larger committee. Thus, in 1907 (second session Fifty-ninth Congress, Report No. 6722), the Committee on Ways and Means reported the bill (H.R. 12222) authorizing the Secretary of the Treasury to fix the compensation of inspectors of customs; also the same year the Committee on the Judiciary reported the bill in relation to salaries of district attorneys and assistant district attorneys for the northern district of Illinois (Report No. 7557); and the Committee on Patents the bill (H.R. 22678) to provide increased force and salaries in the Patent Office.

<sup>4</sup> First session Fiftieth Congress, Report No. 1197.

<sup>5</sup> First session Fifty-first Congress, Report No. 1361.

<sup>6</sup> Second session Fifty-third Congress, Report No. 1033.

<sup>7</sup> But in 1906 (first session Fifty-ninth Congress, Report No. 583) the Committee on Ways and Means reported the bill (H.R. 7114) to provide for the consolidation and reorganization of the customs collection districts.

<sup>8</sup> First session Fiftieth Congress, Report No. 2616.

<sup>9</sup> First session Fifty-first Congress, Report No. 648.

<sup>10</sup> First session Fifty-second Congress, Report No. 1213.

<sup>11</sup> Second session Fifty-third Congress, Report No. 713.

<sup>12</sup> First session Fifty-second Congress, Report No. 6529.

The Committee on Expenditures in the Navy Department, in 1892,<sup>1</sup> on leaves of absence for navy-yard employees.

**4320. Bills relating to the efficiency and integrity of the public service have been considered by the several Committees on Expenditures.**—The Committees on Expenditures in the various Departments of the Government have exercised a general jurisdiction over matters relating to the efficiency and integrity of the public service, and have reported:

In 1888,<sup>2</sup> the Committee on Expenditures in the Interior Department, the bill (H. R. 7434) relating to the payment of pensions to pensioners who are incompetent to handle the money, such as those under guardianship; and the Committee on Expenditures in the Treasury Department the bill (H. R. 9623) to provide for printing Government securities in the highest style of the art.

In 1890,<sup>3</sup> the Committee on Expenditures in the Treasury Department, the bill (S. 2237) providing for the maintenance of discipline among customs officers.

In 1892,<sup>4</sup> the Committee on Expenditures in the Treasury Department, on the protection of persons engaged in public works or in furnishing materials to the Government.

In 1904,<sup>5</sup> the Committee on Expenditures in the State Department, on the use of official carriages.

**4321. The creation and history of the Committee on Rules, section 53 of Rule XI.**

**The rule gives to the Committee on Rules jurisdiction of “all proposed action touching the rules, joint rules, and order of business.”**

Section 53 of Rule XI provides:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

This committee consists of five members.

From the First Congress, in 1789, there has always been a Committee on Rules, but it was for many years simply a select committee authorized at the beginning of each Congress to report a system of rules. In 1841 it was decided that the committee, which was still a select committee, might report from time to time.<sup>6</sup> At first the Speaker was not a member of the committee, but on June 14, 1858,<sup>7</sup> a resolution was agreed to authorizing the appointment of a committee on rules, of whom the Speaker<sup>8</sup> was to be one, to revise the rules and report at the next session. The committee

<sup>1</sup> First session Fifty-second Congress, Report No. 1036.

<sup>2</sup> First session Fiftieth Congress, Reports Nos. 806, 3220.

<sup>3</sup> First session Fifty-first Congress, Report No. 800.

<sup>4</sup> First session Fifty-second Congress, Report No. 2124.

<sup>5</sup> Second session Fifty-eighth Congress, Report No. 1138.

<sup>6</sup> First session Twenty-seventh Congress, Journal, p. 204; Globe, p. 153.

<sup>7</sup> First session Thirty-fifth Congress, Journal, p. 1141; First session Thirty-sixth Congress, Journal, p. 167.

<sup>8</sup> At that time James L. Orr, of South Carolina. (For the membership of the Committees on Rules from 1789 to 1893, see Record, first session Fifty-third Congress, p. 1042.)

continued to be a select committee<sup>1</sup> until the revision of 1880,<sup>2</sup> when it was made a standing committee, with its membership fixed at five, in accordance with the previous usage. In 1891 the right to report at any time was conferred upon the committee,<sup>3</sup> and in 1893 it was given the right to sit during sessions of the House.<sup>4</sup>

**4322. Orders or resolutions directing committees of the House to make investigations are considered by the Committee on Rules.**

**Resolutions or orders for the creation of select committees to make investigations are within the jurisdiction of the Committee on Rules.**

**Forms of resolutions for directing a standing committee to make an investigation or for creating a select committee for that purpose.**

On January 11, 1882,<sup>5</sup> Mr. Godlove S. Orth, of Indiana, proposed this resolution:

*Resolved*, That the Committee on Reform of the Civil Service is hereby instructed to inquire into the expediency of providing a mode different from the present, for the appointment of the committees of this House.

Mr. Orth moved its reference to the Committee on Reform in the Civil Service, although the Speaker<sup>6</sup> expressed the opinion that it should be referred to the Committee on Rules. Mr. Orth's motion was disagreed to, yeas 86, nays 141. The resolution was then referred to the Committee on Rules.

Two reasons would account for the reference to rules: The fact that a change of the method of appointing committees would imply a change of rules; and that the making of a direction to a committee to do something that it would not otherwise have the authority to do, would involve the adoption of a new rule.

The second reason has caused the jurisdiction of resolutions directing committees to make investigations to rest with the Committee on Rules in the later practice of the House.<sup>7</sup> Thus on January 18, 1906,<sup>8</sup> the Committee on Rules reported the following:

*Resolved*, That the Committee on Naval Affairs is hereby directed to investigate the present condition of the U.S.S. *Constitution* to determine whether in the opinion of that committee an appropriation is justified for the continued maintenance of that ship; and if so, what amount will be required annually for this purpose; and further to report the amount which has been expended annually in maintaining the *Constitution* since she was put out of commission.

<sup>1</sup>For years at the beginning of a Congress the House at its organization would adopt the rules of the preceding House, and authorize a select committee on rules, with right to report at any time. Thus on October 16, 1877. (First session Forty-fifth Congress, Journal, p. 20; Record, p. 69.)

<sup>2</sup>Second session Forty-sixth Congress, Record, p. 205.

<sup>3</sup>See section 4621 of this work. The committee had actually exercised the privilege before this.

<sup>4</sup>See section 62 of Rule XI. Section 4546 of this volume.

<sup>5</sup>First session Forty-seventh Congress, Record, p. 358.

<sup>6</sup>J. Warren Keifer, of Ohio, Speaker.

<sup>7</sup>Formerly resolutions directing investigations to be made by certain committees were referred to the committee which it was proposed to charge with the investigation. On January 18, 1892, the House discharged the Committee on Rules from the consideration of a resolution proposing to direct the Committee on Manufactures to make an investigation of the "sweating system" and referred the resolution to the Committee on Manufactures. (First session Fifty-second Congress, Record, p. 370.) See also First session Forty-ninth Congress, Journal, pp. 829, 830. In 1877 a very important resolution directing general investigations by committees of the House was reported by the Committee on Ways and Means. (Second session Forty-fifth Congress, Journal, p. 132; Record, p. 228.)

<sup>8</sup>First session Fifty-ninth Congress, Record, p. 1239.



Resolutions proposing the appointment of select Committees to make investigations have been within the jurisdiction of the Committee on Rules,<sup>1</sup> which in 1906<sup>2</sup> reported the following:

*Resolved*, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a committee of the House with full power, and whose duty it shall be to make a full and complete investigation of the management of the Government Hospital for the Insane and report their findings and conclusions to the House; said committee to be empowered to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths<sup>3</sup> to take testimony and reduce the same to writing, and to employ such clerical and stenographic help as may be necessary, all expenses to be paid out of the contingent fund of the House.<sup>4</sup>

**4323. Direction to a committee to make an investigation, being an addition to its duties and therefore a change of the rules, should be referred to the Committee on Rules.**—On October 1, 1890,<sup>5</sup> Mr. Charles H. Grosvenor, of Ohio, claiming the floor for a privileged report, presented a preamble and resolution relating to obstructions to the navigation of the Ohio River, and authorizing the River and Harbor Committee, or a subcommittee thereof, to investigate the same, employ an additional clerk and stenographer, and sit during the recess, such expenses to be paid out of the contingent fund of the House.

Mr. W. C. P. Breckinridge, of Kentucky, raised the question of order, that the report was not a privileged question.

The Speaker<sup>6</sup> sustained the question of order, on the ground that clause 51, Rule XI,<sup>7</sup> conferred on the Committee on Rivers and Harbors the right to report at any time only “bills for the improvement of rivers and harbors,” and further held, that as the preamble and resolution proposed a change of the rules by increasing the duties and powers of the Committee on Rivers and Harbors, the same should have been referred to the Committee on Rules.

The record of debates shows that the Speaker specified the particulars in which the resolution would increase the duties and powers of the committee—by authorizing it to make the investigation.

**4324.** On December 19, 1898,<sup>8</sup> Mr. Joseph W. Bailey, of Texas, presented, as affecting the privileges of the House, the following resolution:

*Resolved*, That the Committee on the Judiciary be, and it is hereby, instructed to ascertain and report to the House:

First. Whether any Member of the House has accepted any office under the United States; and

Second. Whether the acceptance of such office under the United States has vacated the seat of the Member accepting the same.

<sup>1</sup> First session Forty-ninth Congress, Report No. 1621.

<sup>2</sup> First session Fifty-ninth Congress, Journal, p. 892.

<sup>3</sup> As the statutes empower the Speaker, chairman of Committee of the Whole, chairmen of select and standing committees and Members to administer oaths to witnesses, this provision seems superfluous. (Rev. Stat., sec. 101; 23 Stat. L., p. 60.)

<sup>4</sup> This branch of the subject is within the jurisdiction of the Committee on Accounts. (See sec. 4328 of this volume.)

<sup>5</sup> First session Fifty-first Congress, Journal, p. 1116; Record, pp. 10777, 10778.

<sup>6</sup> Thomas B. Reed, of Maine, Speaker.

<sup>7</sup> Now section 61. (See sec. 4621 of this volume.)

<sup>8</sup> Third session Fifty-fifth Congress, Record, pp. 310, 353.

In accordance with Mr. Bailey's request this resolution was referred to the Committee on the Judiciary.

On December 20 Mr. David B. Henderson, of Iowa, chairman of the Judiciary Committee, moved that the reference be changed to the Committee on Rules, on the ground that the resolution properly belonged to the latter committee.

The change of reference was made, and on December 21 the resolution was reported by the Committee on Rules.

**4325. Propositions relating to the hour of daily meeting and the days on which the House shall sit are considered by the Committee on Rules.**—The Committee on Rules has jurisdiction of orders or resolutions providing for the hour of meeting and adjourning,<sup>1</sup> and also designating the days of the week on which the House shall sit.<sup>2</sup>

**4326. Special orders providing for the consideration of individual bills or classes of bills are reported by the Committee on Rules.**—The Committee on Rules has jurisdiction of all special orders providing specially for the consideration of bills or classes of bills.<sup>3</sup>

**4327. Orders relating to the use of the galleries of the House during the electoral count are within the jurisdiction of the Committee on Rules.**—Orders or resolutions providing for reservations of the galleries of the House during the counting of the electoral vote are within the jurisdiction of the Committee on Rules.<sup>4</sup>

**4328. The creation and history of the Committee on Accounts, section 54 of Rule XI.**

The rule gives to the Committee on Accounts jurisdiction of subjects "touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House."

A temporary committee on accounts, authorized by law, performs the functions of the committee during the time between the expiration of one Congress and the organization of the next.

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<sup>1</sup>First session Forty-ninth Congress, Report No. 2212; Second session Fiftieth Congress, Record, pp. 744, 2209; second session Fifty-second Congress, Record, p. 1102; second session Fifty-fifth Congress, Report No. 17.

<sup>2</sup>First session Fifty-fifth Congress, Record, pp. 876, 933.

<sup>3</sup>See, for instance, first session Fifty-ninth Congress, Journal, p. 1378, for summary of instances wherein this jurisdiction has been exercised. The Committee on Rules did not always exercise this jurisdiction, but it had established its claim before 1890, and in 1893 the Committee on the Library gave up, in favor of the Committee on Rules, the jurisdiction of a resolution providing a time for the consideration of bills reported from the Library Committee. (Second session Fifty-second Congress, Record, p. 509.) See also Chapter LXXXVIII, section 3152, etc., of this volume.

<sup>4</sup>Second session Fifty-second Congress, Record, p. 1102; second session Fifty-fourth Congress, Record, p. 1462; second session Fifty-sixth Congress, Record, p. 1391. At the count in 1905 the resolution relating to the galleries was not referred to any committee, but was offered from the floor in connection with the adoption of the concurrent resolution providing for the proceedings of the count, which had been reported by the Committee on Election of President, Vice-President, and Representatives in Congress. (Third session Fifty-eighth Congress, Record, p. 918.)

Section 54 of Rule XI provides for the reference of subjects—

touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House; to the Committee on Accounts.

This committee consists of nine Members.

It was established on December 27, 1803,<sup>1</sup> and on December 17, 1805,<sup>2</sup> is enumerated as a standing committee, in a rule which made it the duty of the committee “to superintend and control the expenditures of the contingent fund” of the House, and to “audit the accounts of Members for their travel to and from the seat of Government and their attendance in the House.” Previous to this the Speaker and Sergeant-at-Arms had audited the accounts of Members. The present form of the rule dates from the revision of 1880.<sup>3</sup>

The law<sup>4</sup> provides that the Speaker shall, before the termination of the last session of a Congress, appoint three Members-elect of the next House as a temporary committee on accounts, to exercise such functions of the committee in reference to expenditures of the contingent fund, etc., as may need to be exercised during the recess before the organization of the next House.

**4329. The accountability of the officers of the House is within the jurisdiction of the Committee on Accounts.**—On January 17, 1845,<sup>5</sup> in a case where the Clerk of the House was charged with defalcation, the Committee on Accounts presented their report “in discharge of the duties imposed upon them by one of the standing rules of the House.” The rule (No. 102) provided at that time that it should “be the duty of the Committee on Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives, also to audit and settle all accounts that may be charged thereon.” The report of the Clerk as to the expenditures from the contingent fund, made to the House January 7, and laid on the table, would have given jurisdiction if referred.

In 1890<sup>6</sup> the Committee on Accounts were directed to investigate, and did investigate, the conduct of the Postmaster of the House, and reported a resolution for his removal.

**4330. The assignment of committee and other rooms in the House wing, custody of documents, etc., have been considered by the Committee on Accounts.**—In 1888<sup>7</sup> “the procuring of additional committee rooms for the use of the committees of the House was delegated to the Committee on Accounts, which made several reports on the subject.

In 1890,<sup>8</sup> also, this committee reported on the subject of rooms for committees.

In 1901<sup>9</sup> it reported on the following subjects:

Additional rooms for the Speaker.

<sup>1</sup> First session Eighth Congress, Journal, pp. 498, 503.

<sup>2</sup> First session Ninth Congress, Journal, pp. 202, 203, Annals, p. 284.

<sup>3</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>4</sup> 28 Stat. L., p. 768.

<sup>5</sup> Second session Twenty-eighth Congress, Journal, pp. 178, 223; Globe, p. 147.

<sup>6</sup> First session Fifty-first Congress, Report No. 3242.

<sup>7</sup> First session Fiftieth Congress, Record, pp. 878, 1097, 8458.

<sup>8</sup> First session Fifty-first Congress, Record, p. 521.

<sup>9</sup> Second session Fifty-sixth Congress, Reports Nos. 2643, 2067, 3006.

Disposal of flag formerly hanging over Speaker's desk.

Moving and cataloguing books and documents in House and Clerk's document room.

**4331. The Committee on Accounts recommends to the House resolutions authorizing and assigning clerks to committees.**—On December 17, 1897,<sup>1</sup> Mr. Benjamin B. Odell, jr., of New York, as a privileged matter, reported from the Committee on Accounts, in accordance with the usual practice at the beginning of each session, this resolution:

*Resolved*, That the eighteen clerks to committees of the House during the session provided for by the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1898, be, and they are hereby, allowed and assigned for the present Congress to the following committees, namely:

To the Committee on Coinage, Weights, and Measures, a clerk.

To the Committee on Education, a clerk, etc.

*And resolved*, That the pay of the clerks to committees of the House of Representatives, which have been or may be hereafter authorized by the House, who are paid during the session only, shall begin from the time such clerks enter upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of the several committees employing clerks for the session only.

At the same time Mr. Odell presented the following resolution as a substitute for several resolutions referred to the Committee on Accounts:

*Resolved*, That an assistant clerk be allowed the Committee on Claims, to the Committee on Naval Affairs, the Committee on Interstate and Foreign Commerce, and the Committee on Military Affairs during the sessions of the Fifty-fifth Congress, at a compensation of \$6 per day, to be paid out of the contingent fund of the House, and that the pay of such clerks to the above-named committees shall begin from the time such clerks enter upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of the several committees employing clerks for the sessions only.

These authorizations and assignments are, of, course, subject to the approval of the House.

**4332. The assignment of committee clerks is within the jurisdiction of the Committee on Accounts.**—On December 17, 1869,<sup>2</sup> the House agreed to a resolution that all propositions providing for committee clerks be referred to the Committee on Accounts before being acted on, and this was also the practice in 1877,<sup>3</sup> when the resolutions assigning committee clerks were reported from this committee, and has continued the practice.<sup>4</sup>

**4333. Resolutions authorizing the employment of persons by the House are reported by the Committee on Accounts.**—The Committee on Accounts reports resolutions authorizing the employment of persons in the service of the House, as is illustrated by reports in 1904<sup>5</sup> authorizing an additional official reporter of debates, an assistant stenographer to committees, and assistants and a janitor in the document room.

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<sup>1</sup> Second session Fifty-fifth Congress, Record, pp. 264, 265.

<sup>2</sup> First session Forty-first Congress, Journal, p. 65; Globe, p. 125.

<sup>3</sup> First session Forty-fifth Congress, Journal, p. 120.

<sup>4</sup> Second session Fifty-eighth Congress, Report No. 13.

<sup>5</sup> Second session Fifty-eighth Congress, Reports Nos. 17, 44, 386.

**4334. Bills providing clerks for Members and Senators were reported by the Committee on Accounts.**—In 1889<sup>1</sup> the Committee on Accounts reported the bill (H. R. 11867) providing for clerks to Members and Senators. Again in 1890<sup>2</sup> this committee reported the bill (H. R. 309) “to authorize the appointment and prescribe the compensation of clerks to Representatives and Delegates to Congress.”

**4335. The statutes provide for a temporary Committee on Accounts, to be appointed by the Speaker, to serve through the recess following the expiration of a Congress.**—The statutes provide that before the termination of the last session of a Congress the Speaker shall appoint from the Representatives-elect a temporary Committee on Accounts of three Members, which committee shall have the same powers and perform the same duties in reference to payments made from the contingent fund of the House of Representatives as are authorized by law and the rules of the House. This said temporary Committee on Accounts begins to exercise its powers immediately upon the termination of the Congress, and continues to exercise and discharge its duties until after the meeting and organization of the House of Representatives of the next Congress, and until the appointment of the regular Committee on Accounts. And all payments made out of the contingent fund of the House of Representatives upon vouchers approved by the temporary Committee on Accounts shall be deemed, held, and taken as, and are declared to be, conclusive upon all the departments and auditing officers of the Government.<sup>3</sup>

**4336. The creation and history of the Committee on Mileage, section 55 of Rule XI.**

The rule provides that “the ascertainment of the travel of Members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms.

Section 55 of Rule XI provides that—

The ascertaining of the travel of Members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms.

This committee consists of five Members.

It was established on September 15, 1837,<sup>4</sup> on motion of Mr. William C. Dawson, of Georgia.<sup>5</sup> The present form of the rule dates from the revision of 1880.<sup>6</sup>

**4337. The creation and history of the Joint Committee on the Library, section 56 of Rule XI.**

The rule gives to the Joint Committee on the Library jurisdiction “touching the Library of Congress, statuary, and pictures.”

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<sup>1</sup> Second session Fiftieth Congress, Report No. 3625.

<sup>2</sup> First session Fifty-first Congress, Report No. 24.

<sup>3</sup> Supplement Revised Statutes, vol. 2, pp. 413, 414; 28 Stat. L., p. 768. See also a modifying law of 1902, 32 Stat. L., p. 26.

<sup>4</sup> First session Twenty-fifth Congress, Globe, p. 35; Journal, p. 64.

<sup>5</sup> The Committee on Accounts originally audited the mileage. (Second session Seventeenth Congress, Journal, p. 226; third session Twenty-seventh Congress, Journal, p. 742.)

<sup>6</sup> Second session Forty-sixth Congress, Record, p. 205.

**The Joint Committee on the Library is a creature of the laws rather than the rules, the statutes providing for it originally and conferring on it several duties.**

**The acceptance of works of art for the Capitol and control of the Botanic Garden are vested in the Committee on the Library.**

**The powers of the Joint Committee on the Library reside with the Senate portion in the recess after the expiration of a Congress.**

Section 56 of Rule XI provides for the reference of matters—

Touching the Library of Congress, statuary, and pictures; to the Joint Committee on the Library.

This committee has five Members of the House.

As early as 1800<sup>1</sup> the two Houses of Congress took joint action concerning the Library, and provided by law<sup>2</sup> for the purchase of books under the direction of a joint committee; and later the law of January 26, 1802,<sup>3</sup> provided for the future supervision of expenditures by a joint committee of three from each House. In accordance with the requirement of the statute the House and Senate, as is shown by action in 1809<sup>4</sup> adopted a resolution by concurrent action authorizing the appointment of a Joint Committee on the Library.

The Joint Committee on the Library was recognized by the joint rule adopted by the House and Senate in 1843.<sup>5</sup> The number of Members was fixed at three from each House, and its duties were "to superintend and direct the expenditure of all moneys appropriated for the Library," etc. In the revision of 1880<sup>6</sup> this committee was recognized in the rules of the House, the joint rules having ceased to exist in 1876. From that date the committee as a joint committee has had no foundation in any joint rule, but has rested on the statute alone, and in its recognition as a joint committee by the rules of the two Houses.

For a time previous to February 14, 1888,<sup>7</sup> the Committee on the Library on the part of the House consisted of five members, although the law prescribed for the number three. On that date the Committee on Rules reported a proposition to reduce the number to three. The committee in their report say that they do not discuss the question whether or not a law may override the constitutional right of the House to make its own rules, but waive it. The House agreed to the recommendation of the committee; and the number was continued at three by the rules of the House until 1902. A proposition was then pending before the Committee on Rules, proposed by Mr. James T. McCleary, of Minnesota,<sup>8</sup> to increase the House membership from three to five, but in view of the law this proposition was abandoned and a law was passed providing that thereafter the joint committee should consist of five Members of the House and five members of the Senate.<sup>9</sup> The Speaker,

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<sup>1</sup> First session Sixth Congress, Journal, pp. 683, 687.

<sup>2</sup> 2 Stat. L., p. 56.

<sup>3</sup> 2 Stat. L., p. 129.

<sup>4</sup> Journals of Eleventh Congress, pp. 71, 78, 142.

<sup>5</sup> First session Twenty-eighth Congress, Globe, pp. 13, 18.

<sup>6</sup> Second session Forty-Sixth Congress, Record, p. 205.

<sup>7</sup> First session Fiftieth Congress, Record, p. 1187.

<sup>8</sup> First session Fifty-seventh Congress, Record, p. 250.

<sup>9</sup> Record pp. 1278, 1312; 32 Statutes at Large, p. 735.

without further action on the part of the House, appointed<sup>1</sup> the additional members. So the present membership of five is fixed by law rather than by rule of the House.

The act of June 10, 1872,<sup>2</sup> provides:

The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.<sup>3</sup>

The appropriation laws have for many years provided, in the words of the act of 1857,<sup>4</sup> that the sums for the Botanical Garden shall "be expended under the Library Committee of Congress;" and the act of March 3, 1873, provides:

There shall be a superintendent, assistants, and two additional laborers in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library.

By law<sup>5</sup> the Senate portion of the joint committee is endowed with the powers of the committee during the recess between the adjournment of one Congress and the organization of the next.

**4338.** On February 4, 1902,<sup>6</sup> the House passed the joint resolution of the Senate (S. Res. 49), providing as follows:

*Resolved, etc.,* That the Joint Committee of Congress upon the Library, authorized by section 82 of the Revised Statutes, shall hereafter consist of five members of the Senate and five Members of the House of Representatives.

This resolution became a law.<sup>7</sup>

**4339. Bills authorizing the construction and providing for the care of the Library building and the management of the Library itself have been reported by the House branch of the Joint Committee on the Library.**—The House branch of the Joint Committee on the Library reported:

In 1884,<sup>8</sup> the bill (S. 1139) authorizing the construction of a building for the accommodation of the Library of Congress.

In 1890,<sup>9</sup> a resolution providing for ceremonies at the laying of the corner stone of the new Library of Congress.

In 1898,<sup>10</sup> a bill changing name of the Library of Congress.

In 1896,<sup>11</sup> a concurrent resolution authorizing the Joint Committee on the Library to formulate a plan for the reorganization of the Congressional Library.

<sup>1</sup> Record, p. 3306.

<sup>2</sup> Section 1831, Revised Statutes.

<sup>3</sup> On January 22, 1901 (second session Fifty-sixth Congress, Record, p. 1287), from the Joint Committee on the Library, a report was made authorizing the acceptance of a picture for the Senate. This report, in the form of a simple resolution, was agreed to by the Senate.

<sup>4</sup> 11 Statutes at Large, p. 219; 33 Statutes at Large, p. 642; The supervision of the Capitol police also extends over the Botanical Garden. (Sec. 1826, Rev. Stat.)

<sup>5</sup> 22 Statutes at Large, p. 592.

<sup>6</sup> First session Fifty-seventh Congress, Record, p. 1312; Journal, p. 305.

<sup>7</sup> 32 Statutes at Large, p. 735.

<sup>8</sup> First session Forty-eighth Congress, Report No. 471.

<sup>9</sup> First session Fifty-first Congress, Report No. 2096.

<sup>10</sup> Second session Fifty-fifth Congress, Report No. 34.

<sup>11</sup> First session Fifty-fourth Congress, Record, p. 4791.

In 1896,<sup>1</sup> on the subject of a catalogue for the law library.

**4340. Bills relating to the purchase of books and manuscripts for the Library of Congress have been reported by the House branch of the Joint Committee on the Library.**—On December 11, 1851,<sup>2</sup> Mr. Speaker Boyd laid before the House the “Acts of the Greek House of Deputies for the session of 1848–49,” which had been forwarded to his address. The documents were ordered referred to the Committee on the Library.

The House branch of the Joint Committee on the Library has reported:

In 1892,<sup>3</sup> on the purchase of Jefferson’s Papers, and also the purchase of the libraries of George Bancroft and Hubert Bancroft.

In 1900,<sup>4</sup> a bill relating to the collection and preservation of the historical archives of the various States.

In 1892,<sup>5</sup> in relation to the purchase of historical manuscripts relating to the District of Columbia.

**4341. Bills authorizing the erection of monuments on battlefields have been considered by the House branch of the Joint Committee on the Library.**—In 1882,<sup>6</sup> 1884,<sup>7</sup> and 1890,<sup>8</sup> the House branch of the Joint Committee on the Library reported bills to authorize the erection of monuments on Revolutionary battlefields; and in 1886,<sup>9</sup> on the subject of monuments at Stony Point and Plattsburg.<sup>10</sup> This committee also reported:

In 1899,<sup>11</sup> the bill (S. 1160) authorizing the erection of a monument to Abraham Lincoln on the battlefield of Gettysburg; and the resolution (S. R. 187) authorizing the erection at Habana, Cuba, of a monument to the sailors and marines who lost their lives on the battle ship *Maine*.

In 1906,<sup>12</sup> bills authorizing the erection of monuments on the battlefields of Kings Mountain, Tippecanoe, Princeton, etc.

**4342. Subjects relating to monuments and statues in commemoration of individuals have been considered by the House branch of the Joint Committee on the Library.**—On March 25, 1834,<sup>13</sup> the Speaker laid before the House a letter from Lieut. U. P. Levy, U. S. Navy, presenting to the United

<sup>1</sup> First session Fifty-fourth Congress, Report No. 290.

<sup>2</sup> First session Thirty-second Congress, Journal, p. 84.

<sup>3</sup> First session Fifty-second Congress, Reports Nos. 1231, 1795, 1947.

<sup>4</sup> First session Fifty-sixth Congress, Report No. 1767.

<sup>5</sup> First session Fifty-second Congress, Report No. 1216.

<sup>6</sup> First session Forty-seventh Congress, Report No. 795.

<sup>7</sup> First session Forty-eighth Congress, Reports Nos. 929, 2123.

<sup>8</sup> First session Fifty-first Congress, Report No. 2977.

<sup>9</sup> First session Forty-ninth Congress, Report No. 1632.

<sup>10</sup> In 1882 (first session Forty-seventh Congress, Report No. 1167), however, the Committee on Public Buildings and Grounds reported a bill relating to the erection of a memorial column at Washington’s headquarters at Newburg, N. Y., and for a centennial celebration there; and in 1884 (first session Forty-eighth Congress, Report No. 2143) the same committee reported a bill to assist the association in the maintenance and improvement of Washington’s headquarters in Morristown, N.J.

<sup>11</sup> Third session Fifty-fifth Congress, Reports Nos. 2087, 2330.

<sup>12</sup> First session Fifty-ninth Congress, Reports Nos. 3162, 3612, 5083.

<sup>13</sup> First session Twenty-third Congress, Journal, pp. 453, 854.



States a bronze statue of Thomas Jefferson. This letter was referred to the Committee on the Library, which, on June 27, reported a joint resolution directing the placing of the statue.

The Committee on the Library has also reported:

In 1884,<sup>1</sup> the bill (H. R. 5410) for the completion of the monument to Mary, the mother of Washington,<sup>2</sup> at Fredricksburg, Va.

In 1882,<sup>3</sup> on the bills for the André and Jefferson monuments.

In 1886<sup>4</sup> the Committee on the Library reported as to a monument for Lincoln and a statue of Zachary Taylor; also in 1902<sup>5</sup> on several similar bills.

**4343. The purchase of paintings and portraits has been within the jurisdiction of the Joint Committee on the Library.**—The Committee on the Library has reported bills authorizing the purchase of portraits, as in 1890<sup>6</sup> and 1891<sup>7</sup> those of Abraham Lincoln and Winfield Scott, and in 1892<sup>8</sup> that of George H. Thomas, and also reported:

In 1884<sup>9</sup> on the subject of the painting of the Electoral Commission.

In 1891<sup>10</sup> on subject of paintings for Executive Mansion.<sup>11</sup>

**4344. Instances of a general jurisdiction of the Committee on the Library as to ornamentation of the capital city.**—The Committee on the Library reported in 1896<sup>12</sup> a resolution providing for a commission to establish at or near Washington a ground map of the United States; and in 1884<sup>13</sup> the resolution (H. Res. 45) providing for the removal and relocation of the Bartholdi fountain.

**4345. Bills relating to the removal of the remains of distinguished men have been within the jurisdiction of the House branch of the Joint Committee on the Library.**—The Committee on the Library in 1890<sup>14</sup> reported a bill providing for the removal of the remains of Joel Barlow to the United States, and also a bill on the subject of the removal of the remains of Gen. Ulysses S. Grant; and in 1905<sup>15</sup> on the removal of the remains of John Paul Jones.

<sup>1</sup> First session Forty-eighth Congress, Report No. 1512.

<sup>2</sup> The Committee on Public Buildings and Grounds had reported on this monument in 1882. (First session Forty-seventh Congress, Report No. 1659.)

<sup>3</sup> First session Forty-seventh Congress, Reports Nos. 988, 1035.

<sup>4</sup> First session Forty-ninth Congress, Reports Nos. 3053, 3427.

<sup>5</sup> First session Fifty-seventh Congress, Reports Nos. 2462, 2054, 2745, 2416, 2419, 775.

<sup>6</sup> First session Fifty-first Congress, Report No. 2821.

<sup>7</sup> Second session Fifty-first Congress, Report No. 3623.

<sup>8</sup> First session Fifty-second Congress, Report No. 1923.

<sup>9</sup> First session Forty-eighth Congress, Record, p. 3354.

<sup>10</sup> Second session Fifty-first Congress, Report No. 3961.

<sup>11</sup> But on February 11, 1834 (first session Twenty-third Congress, Journal, p. 316), a joint resolution relating to a contract with competent American artists for the execution of four historical paintings to be placed in vacant panels in the Rotundo of the Capitol, was reported from the Committee on Public Buildings and Grounds.

<sup>12</sup> First session Fifty-fourth Congress, Report No. 2184.

<sup>13</sup> First session Forty-eighth Congress, Report No. 1316.

<sup>14</sup> First session Fifty-first Congress, Reports Nos. 431, 2965. Also in 1896 (first session Fifty-fourth Congress, Report No. 1871) on the bill relating to the remains of Joel Barlow.

<sup>15</sup> Third session Fifty-eighth Congress, Report No. 4887.

**4346. The general affairs of the Smithsonian Institution, excepting appropriations therefor and the incorporation of similar institutions, are within the jurisdiction of the House branch of the Joint Committee on the Library.**—The Committee on the Library reports the joint resolutions<sup>1</sup> providing for the appointment of regents of the Smithsonian Institution; and also reported a bill in 1892<sup>2</sup> authorizing the institution to loan a portion of its exhibit. This committee has also had within its jurisdiction—

In 1884<sup>3</sup> the bill (H. R. 6933) to authorize the National Academy of Science to hold trust funds for the promotion of science.

In 1903<sup>4</sup> and 1905<sup>5</sup> bills to incorporate the American Academy at Rome.

In 1896<sup>6</sup> the bill (S. 1922) creating an art commission.

**4347. The creation and history of the Joint Committee on Printing, section 57 of Rule XI.**

**The rules give to the “Joint Committee on Printing on the part of the House” jurisdiction of “all proposed legislation on orders touching printing.”**

**The Joint Committee on Printing, while recognized by the rules, was created by the statutes.**

**The Joint Committee on Printing has executive duties conferred by statute.**

**The statutes empower either branch of the Joint Committee on Printing to act in case of the nonexistence of the other.**

Section 57 of Rule XI provides that—

All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House.

This committee consists of three Members on the part of the House.

As early as March 3, 1830,<sup>7</sup> a committee on printing was proposed, to have supervision of the printing for the House. In 1842<sup>8</sup> the Committee on Retrenchment reported in favor of a standing committee on printing to oversee the printing of the House, but their proposition was rejected after it had been amended by a clause forbidding the furnishing of boxes, map cases, etc., to Members. On March 16, 1844,<sup>9</sup> abuses in the management of engraving for the use of the House led to the creation of the “Committee on Engraving,” which continued for fifteen years. The Joint Committee on Printing, to consist of three Members of the House and

<sup>1</sup>Second session Fifty-first Congress, Report No. 3863; second session Fifty-second Congress, Report No. 2200; first session Fifty-sixth Congress, Report No. 2109.

<sup>2</sup>Second session Fifty-second Congress, Report No. 2259.

<sup>3</sup>First session Forty-eighth Congress, Report No. 1656.

<sup>4</sup>Second session Fifty-seventh Congress, Report No. 3879.

<sup>5</sup>Third session Fifty-eighth Congress, Report No. 4682.

<sup>6</sup>First session Fifty-fourth Congress, Report No. 2136.

<sup>7</sup>First session Twenty-first Congress, Journal, p. 479.

<sup>8</sup>Second session Twenty-seventh Congress, Journal, pp. 486, 493; Globe, pp. 287, 291.

<sup>9</sup>First session Twenty-eighth Congress, Globe, p. 393. As early as December 8, 1818 (second session Fifteenth Congress, Journal, pp. 72, 73), the House and Senate investigated the subject through a joint committee.

three Members of the Senate, was created by the law approved August 3, 1846,<sup>1</sup> which directed the manner of procuring the printing for the two Houses, and provided that the committee should supervise the work of the contractor.

The law approved August 26, 1852,<sup>2</sup> provided for the election by each House of a Public Printer, and continued the "Joint Committee on the Public Printing" with its membership of three from each House, and power of supervision of the work of printing. The Joint Committee on Printing is therefore created by law instead of by any joint rule of the two Houses, although its existence is recognized in the rule of the House defining its jurisdiction. This form of the rule dates from the revision of 1880.<sup>3</sup> While in fact a joint committee, the House branch acts also as a standing committee of the House, receiving resolutions and bills which are referred to it and reporting them by its own authority, without the concurrent action of the Senate branch.<sup>4</sup>

From time to time various functions have been conferred by law<sup>5</sup> on the Joint Committee on Printing, as, for example, general supervision of the printing; the procuring of paper of suitable standards and approval of contracts therefor, and for other supplies; control of the arrangement, style, bulk, and indexing of the Congressional Record, including the designation of a person to supervise the indexing; direction as to binding extra documents and reports; supervision of the printing of the Congressional Directory; appointment of a person to edit the documents and reports accompanying the annual message of the President; the prescribing of limitations and conditions for printing and illustrating for the Patent Office; supervisory power as to type and form of reports of executive officers; and various other supervisory powers as to printing for the two Houses, as the power to remedy neglect or delay in the execution of the public printing and binding.<sup>6</sup>

The Committee on Printing has the right to report at any time;<sup>7</sup> but on April 16, 1872,<sup>8</sup> in a carefully considered ruling which was affirmed by the House and which has also been embodied in the language of the rules, Mr. Speaker Blaine held that this privilege extended only to printing for the use of the two Houses.

The statutes provide:

At any time when there is no joint committee of the two Houses of Congress the powers and duties under the law devolving upon the Joint Committee on Printing shall be exercised and performed by the committee then in existence of either House.<sup>9</sup>

**4348. The Committee on Printing has exercised an infrequent jurisdiction as to the pay of employees at the Government Printing Office.**—On January 31, 1882,<sup>10</sup> the Committee on Printing reported the resolution (H. Res.

<sup>1</sup> 9 Stat. L., p. 114.

<sup>2</sup> 10 Stat. L., pp. 32, 34.

<sup>3</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>4</sup> See section 4361 of this volume for a decision on this point.

<sup>5</sup> 28 Stat. L., p. 601; 34 Stat. L., p. 825, an act approved March 1, 1907.

<sup>6</sup> Act approved March 1, 1907. (34 Stat. L.)

<sup>7</sup> See section 4621 of this volume.

<sup>8</sup> Second session Forty-second Congress, Journal, p. 697; Globe, pp. 287, 291.

<sup>9</sup> 28 Stat. L., p. 962.

<sup>10</sup> First session Fifty-seventh Congress, Report No. 166.

69) authorizing the Public Printer to pay the employees of the Government Printing Office the pay deducted for the time during the obsequies of the late President Garfield.

On July 28, 1882,<sup>1</sup> the committee reported the bill (H. R. 6844) to fix the pay of printers and bookbinders in the Government Printing Office.

**4349. A proposition to make corrections in remarks printed in the Congressional Record was reported by the Committee on Printing.**—In 1899<sup>2</sup> the Committee on Printing reported a resolution correcting the remarks of a Member in the Congressional Record by striking out certain portions which had been inserted in violation of a leave to print.

**4350. The creation and history of the Joint Committee on Enrolled Bills, section 58 of Rule XI.**

**The rule confers on the Committee on Enrolled Bills “the enrollment of engrossed bills.”**

Section 58 of Rule XI provides for the reference of—

the enrollment of engrossed bills; to the Joint Committee on Enrolled Bills.

The House portion of this committee consists of seven Members. The present form of the rule dates from the revision of 1880,<sup>3</sup> but there was before that a joint rule of the two Houses, as follows:

When bills are enrolled they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

This joint rule was first adopted on July 27, 1789,<sup>4</sup> and readopted November 13, 1794.<sup>5</sup> It provided for a committee consisting of one Senator and two Representatives. On February 1, 1827,<sup>6</sup> the Senate portion was increased to two Senators. This, with other joint rules, lapsed in 1876,<sup>7</sup> and since that date the committees of the House and Senate, while referred to in the rules as joint committees, have had no authorization in any concurrent action of the two Houses, and have acted separately, each supervising the enrolling of bills originating in its own House.

The House Committee on Enrolled Bills has leave to report at any time.<sup>8</sup>

**4351. The creation and history of the Committee on the Census, section 59 of Rule XI.**

**The rule confers on the Committee on the Census jurisdiction of “all proposed legislation concerning the census and the apportionment of Representatives.”**

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<sup>1</sup> Report No. 1752.

<sup>2</sup> Third session Fifty-fifth Congress, Report No. 1827.

<sup>3</sup> Second session Forty-sixth Congress, Record, p. 205.

<sup>4</sup> First session First Congress, Journal, p. 67.

<sup>5</sup> Second session Third Congress, Journal, p. 230.

<sup>6</sup> Second session Nineteenth Congress, Journal, p. 230.

<sup>7</sup> Forty-third Congress. See section 6782 of Volume V of this work.

<sup>8</sup> See section 4621 of this volume.

Section 59 of Rule XI provides that the Committee on the Census shall have jurisdiction of—

all proposed legislation concerning the census and the apportionment of Representatives.

This standing committee was created on December 2, 1901,<sup>1</sup> to succeed the Select Committee on the Twelfth Census, which had been in existence while the Twelfth Census was a subject of legislation. The creation of this standing committee was in anticipation of the act of March 6, 1902,<sup>2</sup> which created a permanent census office.

**4352. The abridgment of the elective franchise with reference to apportionment as well as the collection of general statistics have been considered by the Committee on Census.**—The standing Committee on the Census, and its predecessors, the select committees, have reported:

In 1899<sup>3</sup> the bill (H. R. 11982) requiring the Director of the Census to compile and collect certain State laws and statistics for the use of Congress in apportioning Representatives under the Twelfth Census.<sup>4</sup>

In 1901<sup>5</sup> on a resolution on the subject of the abridgment of the elective franchise in relation to apportionment.

At various times on bills providing for the collection of statistics as to births and deaths,<sup>6</sup> marriage and divorce,<sup>7</sup> farm mortgages,<sup>8</sup> irrigation, etc.<sup>9</sup>

**4353. The creation and history of the Committee on Industrial Arts and Expositions, section 60 of Rule XI.**

**The rule gives to the Committee on Industrial Arts and Expositions jurisdiction of “all matters (except those relating to the revenue and appropriations) referring to the Centennial of the Louisiana Purchase and to proposed expositions.”**

Section 60 of Rule XI provides that the Committee on Industrial Arts and Expositions shall have jurisdiction of—

All matters (excepting those relating to the revenue and appropriations) referring to the Centennial of the Louisiana Purchase and to proposed expositions.

This committee consists of sixteen Members.

It was established as a new standing committee on December 2, 1901, at the time of the adoption of the rules, and its jurisdiction was then defined.

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<sup>1</sup> First session Fifty-seventh Congress, Record, p. 45.

<sup>2</sup> 32 Stat. L., p. 51.

<sup>3</sup> Third session Fifty-fifth Congress, Report No. 2354.

<sup>4</sup> In 1882 (a period not covered by a select committee on the census), the Judiciary Committee reported on the claims of Nebraska for a rectification of her apportionment. (First session Forty-seventh Congress, Report No. 911.)

<sup>5</sup> Second session Fifty-sixth Congress, Report No. 2977.

<sup>6</sup> First session Fifty-seventh Congress, Report No. 1932.

<sup>7</sup> Third session Fifty-eighth Congress, Report No. 4009.

<sup>8</sup> First session Fifty-first Congress, Report No. 1353.

<sup>9</sup> First session Fifty-seventh Congress, Report No. 2106.

**4354. The Committee on Industrial Arts and Expositions has taken a jurisdiction as to expositions which was formerly divided among other committees.**—The Committee on Industrial Arts and Expositions has, since its creation, reported on bills authorizing Government participation in expositions, as for example:

In 1904 <sup>1</sup> the Lewis and Clark and the Louisiana Purchase expositions.

In 1906 <sup>2</sup> the Jamestown and Tampa expositions.

Before the formation of this committee various committees exercised the jurisdiction. Thus, the Committee on the Library reported the initiatory legislation for the World's Columbian Exposition;<sup>3</sup> Interstate and Foreign Commerce had jurisdiction of the Centennial Exposition at New Orleans,<sup>4</sup> and in 1883 <sup>5</sup> the Committee on Agriculture reported the joint resolution (H. Res. 311) relating to participation in the Hamburg International Exhibition of Domestic Animals.

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<sup>1</sup> Second session Fifty-eighth Congress, Reports Nos. 5, 893, 1965, 2585.

<sup>2</sup> First session Fifty-ninth Congress, Reports Nos. 3389, 4416.

<sup>3</sup> Second session Forty-ninth Congress, Journal, p. 325; Record, p. 832; Report No. 3822.

<sup>4</sup> First session Forty-eighth Congress, Journal, p. 256; Record, p. 319.

<sup>5</sup> Second session Forty-seventh Congress, Report No. 1843.